

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL PETITION No.1621 OF 2014**  
**ORDER:**

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This Criminal Petition is filed by the accused under Section 482 of Cr.P.C. seeking to quash the orders dated 20.1.2014 in CrI.M.P.No.517 of 2013 in S.C.No.599 of 2011 on the file of IV Additional Sessions Judge, Kakinada whereby the learned Sessions Judge dismissed the application filed by the petitioners herein under Section 91 of Cr.P.C. to summon the attendance register of 2<sup>nd</sup> class from 1.10.2010 to 15.10.2010 of Elementary School, Bhupalapatnam by issuing summons to the Head Master of that school and to give evidence.

Admittedly, the said petition was filed when the matter was posted for examination of the accused under Section 313 Cr.P.C. The said petition was dismissed by the trial Court on 20.1.2014. Thereafter, the petitioners approached this Court by filing this petition. However, no interim orders have been passed. The learned counsel for the petitioners is not in a position to inform this Court regarding the stage of the S.C. before the trial Court. In the circumstances, this Court is of the view that in view of the changed circumstances, if the petitioners are still persisting for the said relief, they are at liberty to file fresh application under Section 91 of Cr.P.C. before the trial Court if the case is still pending and the trial Court is directed to pass appropriate orders in accordance with law.

The Criminal Petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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JUSTICE RAJA ELANGO

19.02.2016

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