

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.NO.9662 OF 2016

ORDER

This criminal petition is filed under Section 482 Cr.P.C. aggrieved by the order dated 15.3.2016 in Crl.M.P.No.629/2016 in C.C.No.285/2011 passed by the court of Additional Judicial Magistrate of First class, Kavali in permitting the Investigating Officer to bring the petitioners herein as proposed accused as A-3 and A-4 in C.C.No.285/2011.

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

Specific allegations were made against the petitioners. The truth or otherwise of the allegations can only be decided during course of trial. I see no grounds to interfere with the impugned order.

The learned counsel for the petitioners submitted that summons were issued against the present petitioners / A-3 and A-4 and their presence may be dispensed with.

In the facts and circumstances of the case and the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor, and having perused the material available on record, the criminal petition is disposed of directing the petitioners – accused No.3 and 4 to approach the trial court and file a petition to recall summons and on such petition being filed, the trial court shall consider the same on usual terms and thereafter, the trial court shall proceed with the trial without insisting upon the presence of the petitioners / A-3 and A-4, unless their presence is required for any specific purpose. Miscellaneous petitions pending if any, shall stand closed. No costs.

M.S.K.JAISWAL,J

DATE:05.07.2016

