

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5021 OF 2016

ORDER:

This petition is filed by the petitioners-accused Nos.1 to 3 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.29 of 2016 on the file of the Additional Judicial First Class Magistrate, Tadepalliudem, West Godavari District.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offence punishable under Sections 448, 324, 323 and 506 r/w 34 IPC. It is alleged that about two years back, the de facto complainant pledged his house and took the loan of Rs.5 lakhs from the father of A1 and A2 agreeing to repay the same with interest. The de facto complainant paid interest regularly. Since five months, he was unable to pay the interest, for which A1 demanded him to pay the debt. On 24.4.2014 while the de facto complainant was in his house, the petitioners trespassed into his house, A1 abused him, and A2 and A3 beat him and threatened him. When he raised cries, L.Ws.5 to 9 came there and rescued him.

Learned Counsel for the petitioners submitted that the place of offence i.e., the house into which, the petitioners were alleged to have trespassed, is in possession of the petitioners and the petitioners purchased the same under a registered sale deed and that the civil disputes are pending between the petitioners and the 2nd respondent.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to grant the relief sought by the petitioners.

At this stage, the learned Counsel for the petitioners has sought for dispensing with the presence of the petitioners before the trial Court.

In view of the above submission, the presence of the petitioners

before the trial Court is dispensed with except on the date of framing of charges, on the date of examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment. The petitioners are directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 12.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 12.4.2016

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