

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.10745 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/accused No.1 and 2 seeking to quash C.C.No.663 of 2015 on the file of the II Additional Judicial Magistrate of First Class, Khammam, for the offences punishable under Sections 420, 421, 294(b) and 506 read with 34 IPC.

Heard learned counsel for the petitioners/accused and learned Public Prosecutor and perused the material available on record.

On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioner No.2 can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against petitioner No.2/accused/A2.

In any event, considering the nature of allegations wherein the question of identity of the accused does not arise, presence of the petitioner No. 2/accused No. 2 before the trial Court is dispensed with except on the dates of framing of charges, examination under Section 313 Cr.P.C. and pronouncement of the judgment. The trial Court is directed to dispose of C.C. as expeditiously as possible.

Considering the nature of allegation against the petitioner No.1/Accused No.1, the criminal petition is dismissed as far as petitioner No.1/accused No.1 is concerned.

Accordingly, the Criminal Petition against the petitioner No.2 is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

25.07.2016

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