

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13159 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in CC No. 10 of 2016 pending adjudication on the file of the learned Special Excise Magistrate, Ongole, registered for the offences punishable under Section 405, 406, 407, 420 and 120B IPC.

Heard the learned counsel appearing for the petitioners/Accused 1 to 4, and the learned Additional Public Prosecutor, representing the State.

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made in the complaint against the petitioners/Accused 1 to 4. The truth or otherwise of the allegations can only be decided during course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I see no ground to quash the proceedings in the aforesaid Calendar Case.

Considering the facts and circumstances of the case and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below to proceed with the trial and dispose of the CC as expeditiously as possible, without insisting for the presence of the petitioners 2 to 4 herein/Accused Nos. 2 to 4 for each and every adjournment, unless it feels that their physical presence is necessary for any

specific purpose. The Counsel on record shall represent the petitioners 2 to 4 herein /Accused 2 to 4 before the Court below on each and every date of hearing the case. The first petitioner herein/Accused No.1 shall ensure his presence before the Court below. It is needless to observe that the petitioners are entitled to avail such other remedies available under law including discharge under Section 239 Cr.P.C. and if any such petition is filed, the Court below shall dispose of the same on merits.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

DATED 15th September, 2016.
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JUSTICE M.S.K. JAISWAL

