

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13092 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in DVC No.4 of 2014 on the file of the learned Special Judicial Magistrate of 1st Class (Prohibition & Excise Court), at Srikakulam.

Heard the learned counsel appearing for the petitioner, 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 against the petitioner herein in the affidavit filed in support of the aforesaid DVC. 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 aforesaid DVC. I see no ground to quash proceedings in the aforesaid DVC.

In the facts and circumstances of the case and as requested by the learned counsel for the petitioner, the Criminal Petition is disposed of, directing the Court below to proceed with the trial, and dispose of the aforesaid DVC within a period of thirty (30) days from the date of receipt of a copy of this order, positively, without seeking further time.

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

JUSTICE M.S.K. JAISWAL

DATED 14TH September, 2016.
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