

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 5151 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in CC No. 387 of 2015 pending adjudication on the file of learned V Metropolitan Magistrate, at Anakapalli registered for the offences punishable under Sections 143, 452, 323, 506, 384 read with Section 511 IPC.

Heard the learned counsel appearing for the petitioner/Accused No. 2, 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 petitioner/Accused No.2. 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.

However, it is represented that in the same Calendar Case, insofar as non petitioners/A3 to A6 and A8 are concerned, this Court vide order dated 20.4.2016 passed in Criminal Petition No. 5812 of 2016 dispensed their presence before the Court below except on the dates when their presence is specifically required. Following the said order 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, however, without insisting for the presence of the petitioner/Accused No.2 for each and every adjournment, unless it feels that his physical presence is necessary for any specific purpose. The Counsel on record shall represent the petitioner/Accused No. 2 before the Court below on each and every date of hearing the case.

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 1st September, 2016.
Msnrx

