

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRL.P.NO.5082 OF 2017

O R D E R

This petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.109 of 2017 on the file of Judicial First Class Magistrate, Prathipadu, East Godavari District in respect of the petitioner/A-5 is concerned.

At the time of hearing, the only relief that is sought for by the learned counsel for the petitioner is to dispense with the presence of the petitioner during trial and that he may be permitted to file discharge petition.

Heard the learned Public Prosecutor for the State of Andhra Pradesh.

In view of the submission made by the learned counsel, this court is not inclined to go into the merits of the main case. There is no dispute with regard to identity of the petitioner. Even if the presence of the petitioner is dispensed with, no prejudice would be caused to the 2nd respondent.

Having regard to the facts and circumstances, the presence of the petitioner / A-5 in C.C.No.109 of 2017 on the file of Judicial First Class Magistrate, Prathipadu, East Godavari District, is dispensed with on each and every date of hearing. However, he shall appear before the trial court as and when his presence is required. He is also permitted to file discharge petition before the trial court, if not already filed, which shall be considered and disposed of in accordance with law.

The criminal petition is accordingly disposed of.

Miscellaneous petitions pending if any, shall stand closed.

T.SUNIL CHOWDARY,J

DATE:03—07—2017
AVS