

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4892 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners, who are respondents 2 and 3 in D.V.C.No.6 of 2016 on the file of the Court of Special Excise Judicial Magistrate of First Class, at Nellore.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State of Andhra Pradesh.

3. At the time of hearing, the only relief sought by the learned counsel for the petitioners is to dispense with the presence of the petitioners before the trial Court on each and every date of adjournment. He further submitted that the first respondent in D.V.C. has been attending before the trial Court.

4. In view of the submission made by the learned counsel for the petitioners, this Court is not inclined to go into the merits of the main case. There is no dispute with regard to the identity of the petitioners. Even if the presence of the petitioners is dispensed with, no prejudice would be caused to the second respondent – *de facto* complainant.

5. Having regard to the facts and circumstances of the case, the presence of the petitioners, who are respondents 2

and 3 in D.V.C.No.6 of 2016 on the file of the Court of Special Excise Judicial Magistrate of First Class, at Nellore, is dispensed with on each and every date of adjournment. However, they shall appear before the trial Court as and when their presence is specifically required.

6. With the above observation, the criminal petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date:28.06.2017
Rns

T.SUNIL CHOWDARY, J

