

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.8240 of 2017

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of all further proceedings in C.C.No.278 of 2017 on the file of the Additional Judicial First Class Magistrate, Kadiri, Anantapuramu District. The charge sheet came to be filed against the petitioners and another for the offences punishable under Sections 498(A), 109 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

Though various grounds are raised, the learned counsel for the petitioners restricts his prayer seeking a direction to the trial Court not to insist on the presence of the petitioners on every date of adjournment. The same is not disputed by the learned Additional Public Prosecutor. As there is no dispute with regard to the identity of the petitioners, their presence can be dispensed with, except as and when their presence is specifically required by the trial Court.

In Rajesh Sharma & Others Vs. State of U.P. & Another {Orl.A.1265 of 2017 (SLP (Orl.) No.2013 of 2017)}, the Apex Court, while dealing with matrimonial offences, observed as under:

“19(i) to vi....

vii) Personal appearance of all family members and particularly outstation members may not be required and the trial court

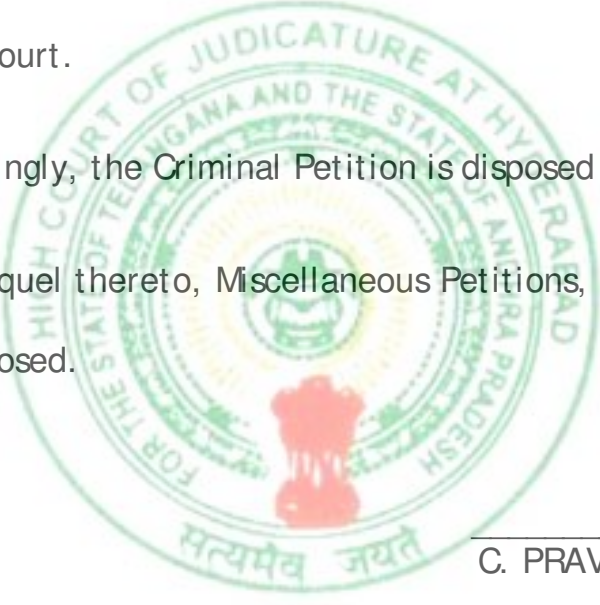
ought to grant exemption from personal appearance or permit appearance by video conferencing without adversely affecting progress of the trial.”

Having regard to the circumstances stated above; in view of the judgment referred to above and taking into consideration the plea made, the presence of the petitioners who are A2 to A7 in C.C.No.278 of 2017 on the file of the Additional Judicial First Class Magistrate, Kadiri, Anantapuramu District, is dispensed with except on the dates when their presence is specifically required by the trial Court.

Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

19.09.2017
vnb



C. PRAVEEN KUMAR, J