

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.8170 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioners-A.1 to A.5, A.7 and A.8 seeking to quash the proceedings in C.C.No.503 of 2016 on the file of the II Additional Judicial Magistrate of First Class, Madanapalle, for the offence punishable under Section 498A read with 34 of Indian Penal Code.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor.

Though various grounds are raised in the Criminal Petition, the learned counsel for the petitioners restricts his prayer seeking dispensation of presence of the petitioners before the trial Court.

The same is not seriously disputed by the learned APP. However, he submits that petitioners 5 and 6 may be directed to appear before the trial Court.

Since the question of identity of the petitioners does not arise, this Court is of the view that presence of petitioners 1 to 4 and 7 can be dispensed with, in view of clause 19 (viii) of the judgment of the Apex Court in ***Rajesh Sharma vs. State of U.P. & another***¹.

Accordingly, the Criminal Petition is disposed of dispensing with the presence of petitioners 1 to 4 and 7 i.e. Accused Nos.1 to 4 and 8 before the trial Court, except on the dates when their presence is specifically required by the trial Court. Petitioner

¹ 2017 (2) LS 68 (S.C.)

Nos.1 to 4 and 7 shall not complain of any orders being passed by the trial Court in their absence, as other accused known to them are represented.

Consequently, miscellaneous petitions pending in this petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

18.09.2017
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