

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL PETITION No.5513 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/respondents 2, 4 and 5 in D.V.C.No.23 of 2016 on the file of the Court of the learned III Additional Chief Metropolitan Magistrate at Gajuwaka, Visakhapatnam, requesting to quash the proceedings against them.

2. I have heard the submissions of Smt.N.Anula, learned counsel for the petitioners/respondents 2, 4 & 5, and of the learned Public Prosecutor representing the 1st respondent/State of Andhra Pradesh.

3. At the hearing, the learned counsel for the petitioners only sought the relief of dispensing with the presence of the petitioners before the trial Court in the above said D.V.Case on each and every date of adjournment *inter alia* submitting that the identity of the petitioners is not in dispute. She would further submit that if the presence of the petitioners is dispensed with, no prejudice would be caused to the respondents 2 to 4 herein. This Court in CrI.P.No.4597 of 2017 passed orders dispensing with the presence of the petitioners therein/respondents 3, 6 and 7 in the D.V. Case before the trial Court subject to certain conditions. A copy of the order of this Court in CrI.P.No.4597 of 2017, dated 20.06.2017, is placed on record and it is submitted that the facts are identical and that therefore, a similar relief as was granted to the petitioners in the above said criminal petition may also be granted to the petitioners herein.

4. In view of the submissions made before this Court, there is no need to further dilate the facts and deal with the merits of the case.

5. Having regard to the facts and submissions, the presence of the petitioners/respondents 2, 4 and 5 in D.V.C.No.23 of 2016 on the file of the Court of the learned III Additional Chief Metropolitan Magistrate at Gajuwaka, Visakhapatnam, on the date of each and every adjournment is dispensed with, however, subject to the condition that they shall appear before the said Court as and when directed and whenever their presence is required before the said Court.

6. The Criminal Petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

July 12, 2017
Lmv



JUSTICE M.SEETHARAMA MURTI