

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.3253 OF 2017**

**ORDER:**

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in P.R.C.No.6 of 2015 on the file of II Additional Judicial Magistrate of First Class, Machilipatnam (arising out of Crime No.81 of 2015 of Police Station Inaguduru, Krishna District).

2. Petitioner herein is arraigned as accused No.8 in the aforesaid P.R.C. He, along with other accused, alleged to have committed the offences punishable under Section 313 read with 109 read with 34 I.P.C. and Section 5 (2), (3) and (4) of Medical Termination of Pregnancy (Amendment) Act, 2002.

3. Heard Sri A. Prabhakar Rao, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. Learned counsel for the petitioner, no doubt, would, vehemently, contend that mere allegation that the petitioner demanded Rs.3,000/-, without any thing more, in the direction of conducting scanning, is no ground to proceed against the petitioner, but, in the complaint, there is allegation in regard to the abetment to commit the offences alleged, as the Investigating Officer has shown the provisions

of Sections 109 read with 34 I.P.C. Learned counsel, however, would confine the request to the extent of exempting the appearance of petitioner, as he is a Medical Officer and it would be inconvenient for him to attend the Court, since, the patients would suffer for loss of his service, when he waits at the Court.

5. Learned Additional Public Prosecutor has not opposed the request for exempting the appearance of the petitioner.

6. The request is reasonable. Therefore, acceding to the request of the learned counsel for petitioner, while exempting the appearance of petitioner herein viz., Dr. L. Surya Prakash Rao, in P.R.C.No.6 of 2015 on the file of II Additional Judicial Magistrate of First Class, Machilipatnam, the present Criminal Petition is dismissed. But, the petitioner shall appear before the Court on the date of committal of the P.R.C. for execution of the bond, if directed by the learned Magistrate.

7. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

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**A. SHANKAR NARAYANA, J**

April 25, 2017.  
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