

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1574 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in Sessions Case No.118 of 2016 on the file of the Special Sessions Judge(for SC/ST (POA) Act Cases), Nalgonda.

2. The petitioner alleged to have committed the offences punishable under Section 506 of the Indian Penal Code, 1860 (IPC) and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Smt. K. Sujatha, learned counsel for the petitioner, would submit that at least 15 days prior to the lodging of the complaint in the Sessions Case, the petitioner, who is a legal practitioner at Nakrekal Courts, lodged a complaint on 05.08.2016 and even submitted a copy to the Sub-Inspector of Police, Nakrekal. Whereas, the present complaint is filed on 20.08.2016, but, some how, the *de facto* complainant got mentioned the date of occurrence as 22.07.2016 so as to get over the complaint filed by the petitioner, and, therefore, seeks to quash the proceedings.

4. The learned counsel alternatively would submit that since the petitioner is a legal practitioner in the Nakrekal Court, his presence may be dispensed with in the Sessions Case whenever the case is taken up for trial.

5. The learned Additional Public Prosecutor for the State of Telangana would oppose the request.

6. In a Sessions Case, it is difficult to dispense with the presence of the sole accused when the trial takes place. It is, however, open to the petitioner, in case, he feels inconvenience on a particular date of hearing on account of some other work or associated with his practice, to make an application under Section 317 of the Cr.P.C.

7. With the above observation, the criminal petition is dismissed at admission stage.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

March 1, 2017.

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A. SHANKAR NARAYANA, J

