

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2888 AND 2891 OF 2017

COMMON ORDER:

These two criminal petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in Calendar Case No.43 of 2017 on the file of the X Metropolitan Magistrate, Malkajgiri, Ranga Reddy District.

2. The petitioner in CrI.P.No.2888 of 2017 is accused No.1 and the petitioners in CrI.P.No.2891 of 2017 are accused Nos.2 to 4 respectively, and they alleged to have committed the offences punishable under Sections 420 and 498-A of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Heard Sri A.K.Kishore Reddy, learned counsel for the petitioner in both the petitions and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners, having drawn the attention to the complaint averments, contending that except instigation by accused Nos.2 to 4, who are the petitioners in CrI.P.No.2891 of 2017, however, restricted the request to the extent of exempting their appearance on the ground that it would cause hardship to the petitioners in travelling all the way from Machilipatnam to Malkajgiri to attend the Court of learned X Metropolitan Magistrate, Malkajgiri, Ranga Reddy District.

5. The offences alleged against the petitioners are punishable under Sections 420 and 498-A IPC and Sections 3 and 4 of the Dowry

Prohibition Act. Without entering into the arena of merits in the light of statement made by the learned counsel for the petitioners, since the relief is restricted to the extent of exempting the appearance of petitioners i.e., accused Nos.2 to 4 in CrI.P.No.2891 of 2017, in the absence of any medical proof to show that petitioner Nos.1 and 2-accused Nos.2 and 3 are disabled to travel, certainly, that request cannot be acceded to, except exempting the appearance of the petitioner No.3-accused No.4, by name, Dasika Padmanjali, during trial in C.C.No.43 of 2017 on the file of the X Metropolitan Magistrate, Malkajgiri, Ranga Reddy District, except on the dates when examination under Section 239 of the Code and examination under Section 313 of the Code will be done.

6. With the above observation, both the criminal petitions are dismissed.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in these Criminal Petitions stand closed.

A. SHANKAR NARAYANA, J

11th April 2017

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