

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.3204 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 C.C.No.94 of 2017 on the file of IV Additional Judicial Magistrate of First Class, Guntur.

2. Petitioners herein are arraigned as accused Nos.1 to 4 in the aforesaid Calendar Case. They alleged to have committed the offences punishable under Sections 323, 509 and 506 read with 34 I.P.C.

3. Heard Sri Raja Shekar Rao Salvaji, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. Though, the learned counsel for petitioners have tendered elaborate arguments contending that the present complaint is lodged as a counter blast to the complaint lodged by the petitioners herein, which is also taken cognizance in C.C.No.709 of 2014, and there has been unexplained delay in lodging the present complaint, and certain probabilities are alleged by the petitioners, taking the unexplained delay in lodging the complaint as the main ground, and sought to submit authorities, where the decisions were rendered in the context of appreciation of evidence on completion of trial, finally, the learned

counsel requested to exempt the appearance of petitioner Nos.2 to 4 during trial of the aforesaid Calendar Case.

5. Petitioner No.2 is the wife of petitioner No.1, whereas petitioner Nos.3 and 4 are the daughters of petitioner Nos.1 and 2. Petitioner No.3 is married and petitioner No.4 is a student.

6. The request made by the learned counsel for petitioners is reasonable. Therefore, to the extent of exempting the appearance of petitioner Nos.2 to 4 during trial of the aforesaid Calendar Case, the request can be acceded to.

7. Accordingly, the appearance of petitioner Nos.2 to 4 herein viz., Gulakala Sri Devi, Koppula Pavani and Gulakala Sowjanya, is exempted during trial of C.C.No.94 of 2017 on the file of IV Additional Judicial Magistrate of First Class, Guntur. But, they shall appear before the Court below on the dates of examination under Section 239 of the Code and under Section 313 of the Code, and on other occasions where the learned Magistrate opines that their presence is absolutely necessary and directs them to appear.

8. With the above direction, the present Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A.SHANKAR NARAYANA, J

April 19, 2017.
MD