

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9783 of 2017

ORDER:

Heard the learned counsel for the petitioners/ A4 and A5 among five accused and learned Public Prosecutor representing the State before ordering notice to 2nd respondent/de facto complainant and perused the grounds urged in the quash petition, police final report and the cognizance order.

The petitioners are A4 and A5 of S.C.No.341 of 2017 on the file of the XV Additional District and Sessions Judge, Kukatpally at Miyapur, for the offence punishable under Section 304-B I.P.C. which is outcome of the report of the 2nd respondent/de facto complainant dated 26.04.2016 registered as Crime No.175 of 2016 of Jagadgirigutta Police Station, Cyberabad District and the police after investigation filed the final report, where the learned Magistrate has taken cognizance by allotting P.R.C.No.34 of 2016 and committed to the Court of Sessions, from which the learned Sessions Judge has taken cognizance in securing the presence of all the accused. Said cognizance order from the police final report for the offence under Section 304-B I.P.C. is impugned in the quash petition

A perusal of the material on record no way enables this Court to put its hand, but for, liberty is given from the material is incomplete before this Court, the right of the defence in filing the

necessary application under Section 227 Cr.P.C. before the learned Sessions Judge to decide on own merits. Needless to say, in the event of filing of any application under Rule 37 of the Criminal Rules of Practice for representing the petitioners/ A4 and A5 by any other accused, the learned Sessions Judge shall consider with necessary conditions of personal appearance as and when required.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 25.10.2017
pab

JUSTICE Dr. B.SIVA SANKARA RAO

