

The Hon'ble Sri Justice A.Shankar Narayana

Criminal Petition No.2920 of 2017

Order:

The present Criminal Petition is filed to quash the proceedings in Calender Case No.252 of 2016 on the file of the Judicial Magistrate of First Class, Amudalavalasa, Srikakulam District, by exercising the inherent powers of this Court under Section 482 of the Criminal Procedure Code, 1973 (for short 'the Code').

According to Mrs.M.Bhagyasri, learned Counsel for the petitioners, the petitioners, who are arraigned as accused Nos.1 to 5 in the aforesaid CC, have received summons from the Sessions Court. The learned Counsel admits that the order taking cognizance of offences against the petitioners herein has not been filed.

The reason for probing into this particular aspect of the case is that in the copy of charge sheet filed before the Court, the Investigation Officer has clearly mentioned that accused Nos.2, 4 and 5 therein were not responsible for the offence alleged against them, as they were stated to be residing at a

different place at the time of occurrence and thereby, they were not charged. Despite the same, the present Application has been filed.

Since the learned Counsel for the petitioners has stated that summons were received by all the petitioners, it is to be treated that the learned Magistrate has taken cognizance against them. Leaving the said issue apart, the request herein is confined to the extent of dispensing with the appearance of the petitioners. As per the learned Counsel for the petitioners, petitioner Nos.1 and 3, who are husband and wife, aged 68 years and 65 years respectively, the alleged issue that sparked against the petitioners is a sundry one as could be seen from the fact situation narrated by the Investigation Officer. In such an event, certainly, the appearance of the petitioners can be dispensed with, but however, with a direction to them to appear on the dates when they are supposed to be examined under Section 239 of the Code and also when their examination is scheduled under Section 313 of the Code.

Subject to the above direction, the Criminal Petition is disposed of, at the admission stage itself.

As a sequel, Miscellaneous Petitions, pending if any,
stand disposed of as infructuous.

(A.Shankar Narayana, J)

Dt: 13th April, 2017
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