

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1606 OF 2017

ORDER:

The present Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner – accused No.1 requesting to permit his father, Sri R. Narasaiah Chowdary, to act as General Power of Attorney (G.P.A.) holder on his behalf, on the ground that he is working in U.S.A. and it is difficult for him to attend the Court on every date of adjournment in connection with Calendar Case No.385 of 2016 on the file of IV Additional Judicial Magistrate of First Class, Tirupati, filed for the offences punishable under Sections 498-A and 420 read with 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

2. Sri K. Srinivas, learned counsel for the petitioner, would submit that respondent No.2 herein, wife of the petitioner, also filed M.C.No.4 of 2016 on the file of V Additional Judicial Magistrate of First Class, Tirupati, and the petitioner herein filed CrI.P.No.15086 of 2016 before this Court requesting to permit him to be represented by his father in the aforesaid M.C. and this Court, by order, dated 10.11.2016, disposed of the said Criminal Petition directing the V Additional Judicial Magistrate of First Class, Tirupati, to receive the application, if any, filed by the petitioner seeking permission to appear through his G.P.A. holder – father of the petitioner and decide the application on the same day itself, after issuing notice to the Public Prosecutor.

3. A similar request is made in the present case also. In such an event, certainly, the said request can be acceded to, for the reasons, firstly, the petitioner is now residing in U.S.A., second, the offence registered is under Section 498-A I.P.C. and third, in view of the assurance given by the learned counsel for petitioner that the petitioner would, certainly, appear before the trial Court when he is required to be examined under Section 313 Cr.P.C., as the preliminary examination under Section 239 Cr.P.C. is already over.

4. Accordingly, the Criminal Petition is allowed directing the IV Additional Judicial Magistrate of First Class, Tirupati, to receive the application, if any, would be filed by the petitioner seeking to permit him to be represented by his father, as G.P.A. holder, on filing the G.P.A., and dispose of the same, on the same day in accordance with law having ordered notice to the concerned Public Prosecutor.

5. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 01, 2017.
MD