

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5799 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners-respondent Nos.1 to 5 in D.V.C. No.45 of 2016 on the file of the Court of Special Judicial Magistrate of First Class for trial of Excise Cases, Nellore.

2. Heard the learned counsel for the petitioners.

3. At the time of hearing, the only relief sought by the learned counsel for the petitioners is to dispense with the presence of the petitioner Nos.2 to 5-respondent Nos.2 to 5 before the trial court on each and every date of adjournment. He further submitted that petitioner No.1-respondent No.1 will attend before the trial court to ensure the progress of the trial. In view of the submission made by the learned counsel for the petitioners, this court is not inclined to go into the merits of the main case. There is no dispute with regard to the identity of petitioners. Even if the presence of the petitioner Nos.2 to 5 is dispensed with, no prejudice will be caused to the respondent No.2.

4. Having regard to the facts and circumstances of the case, the presence of the petitioner Nos.2 to 5-respondent Nos.2 to 5 in D.V.C. No.45 of 2016 on the file of the Court of Special Judicial Magistrate of First Class for trial of Excise Cases, Nellore, on each and every date of adjournment is dispensed with. However, they shall appear before the trial court as and when their presence is so required.

5. With the above observations, the Criminal Petition is disposed of. Miscellaneous petitions if any pending in this criminal petition shall stand closed.

T.SUNIL CHOWDARY, J

July 18, 2017.

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