

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.17391 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C. '), is filed to quash the proceedings against the petitioner in C.C. No.853 of 2010 pending on the file of Additional Judicial First Class Magistrate, Narsapur, West Godavari District, for the offences punishable under Sections 420 read with 34 of Indian Penal Code, 1860 (for short 'I.P.C. '), on various grounds.

During hearing, Sri Dasari S.V.V.S.V. Prasad, learned counsel for the petitioner, requested to dispense with the appearance of the petitioner in connection with C.C. No.853 of 2010, since she being old lady aged 88 years and unable to move.

This court cannot pass such order while exercising power under Section 482 of Cr.P.C. However, taking into consideration of the age of the petitioner, she is at liberty to file an application either under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice before the Judicial Magistrate of First Class, Narsapur, West Godavari District, after due service of notice on the second respondent. On filing such application, the learned Magistrate shall pass an order, in accordance with law, on the same day.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 03.01.2017
BV