

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.183 of 2017

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to quash the proceedings in C.C.No.87 of 2015 on the file of II Additional Judicial First Class Magistrate, Machilipatnam, Krishna District, registered for the offences under Sections 498-A r/w 34 IPC and Sections 3,4 and 6 of Dowry Prohibition Act.

2. During hearing, learned counsel for the petitioner, requested this Court to pass an Order dispensing with the appearance of the petitioner before II Additional Judicial First Class Magistrate, Machilipatnam in C.C.No.87 of 2015, except on the dates whenever his presence is required during trial of the case, as he is resident of Bangalore, without insisting an order on merits. In view of the request made by the learned counsel for petitioner, I have not examined the grounds urged before this Court in the present petition filed under Section 482 Cr.P.C., but passing an Order dispensing with the appearance of the petitioner is purely a discretion of the trial Court under Section 205 Cr.P.C. Therefore, this Court cannot exercise such power of the Magistrate and dispense with the appearance of the petitioner. However, petitioner may file an application before the Magistrate concerned in connection with C.C.No.87 of 2015 after issuing notice to the respondent/s and on filing such application, the learned Magistrate is requested to pass appropriate Orders in accordance with law.

3. With the above direction, this Criminal Petition is disposed of.

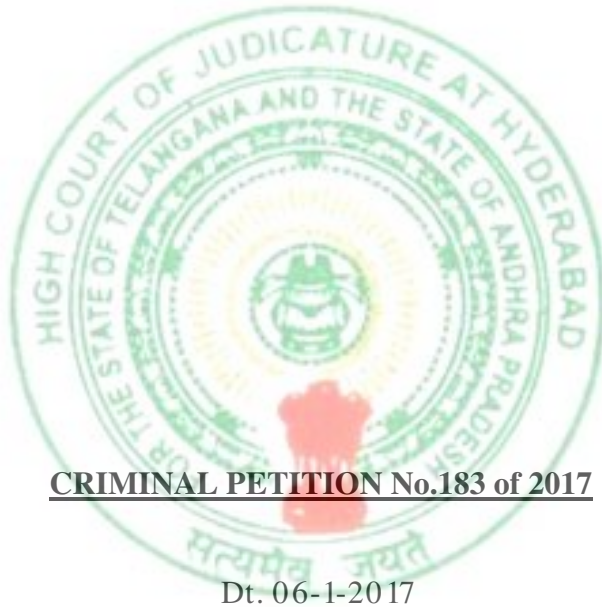
Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

M. Satyanarayana Murthy, J

6th January, 2017
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Dt. 06-1-2017

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