

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 12047 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") seeking to issue a direction in C.C.No. 46 of 2017 on the file of the Court of V Additional Judicial Magistrate of I Class, Nellore (for short, 'the Court below'), to permit the petitioners-accused Nos. 2 and 3 to be represented through accused No. 1 during trial on the ground that petitioner No. 1 is suffering from ill-health and petitioner No. 2 is assisting petitioner No. 1.

2. Admittedly, the petitioners did not file any application before the Court below either under Section 205 Cr.P.C. or under Rule 37 of the Andhra Pradesh Criminal Rules of Practice and Circular Orders enabling the Court below to pass appropriate orders permitting accused No. 1 to represent the petitioners. In such case, insisting for appearance of the petitioners by the Court below cannot be faulted. This Court while exercising inherent jurisdiction under Section 482 Cr.P.C. cannot issue such direction. However, the petitioners are at liberty to file appropriate application along with material to substantiate their contention before the Court below. On filing such application, the Court below is directed to dispose of the same in accordance with law based on the material produced before it after duly serving notice on learned counsel appearing for the complainant.

3. With the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 07-12-2017.

Note: Issue C.C. today.

B/O

JSK

M.SATYANARAYANA MURTHY, J.