

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9510 OF 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are the accused, in C.C.No.60 of 2010 on the file of II Additional Judicial Magistrate of First Class, Madanapalli, Chittoor District. The offences alleged are under Sections 420, 468 and 471 r/w 34 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The allegations against the petitioners are that both the petitioners prepared forged and fake royalty transit for transporting granite cubes in the lorry. There is a specific allegation that the documents were seized from the possession of A1.

4. The contention of the petitioners' counsel that A2 is the owner of the lorry and A1 is only driver of the lorry, cannot be considered for quashing the proceedings against A1. Hence, unless the trial is taken up, the truth of the allegations would not come out.

5. However, the plea of the petitioners' counsel that the presence of the petitioners may be dispensed with, can be considered and the Court below is directed not to insist upon the

presence of the petitioners unless it is necessary for the proceedings of the case.

6. With the above observations, this criminal petition is dismissed. Interim stay granted by this court on 30.09.2011 in CrI.P.M.P.No.10380 of 2011, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 4, 2018
LMV

T.RAJANI, J

