

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.8560 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners-A.1 to A.3 in P.R.C. No.48 of 2015 on the file of the II Additional Judicial Magistrate of First Class, Nuzvid, Krishna District.

2. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor and perused the material on record.

3. Learned counsel for the petitioners would submit that there is no material for committal of the case and framing of charges. In the course of arguments, it has come to light that the aforesaid P.R.C. is at the stage of committal. Before the case is committed, the learned Magistrate has to examine whether the allegations alleged would constitute *prima facie* case for the offences alleged and whether the case can be committed to the Court of Session. Even after committal of the case also, the learned Sessions Judge has to hear the accused before the charges are framed. The petitioners can agitate their grievance before the Courts concerned. Even if they are aggrieved with the committal of the case to the Court of Session, they can work out remedies available to them under law. All the contentions raised by the petitioners herein are left open.

4. It is submitted by the learned counsel for the petitioners that the petitioner No.1 is old person staying in Secunderabad and hence her presence may be dispensed

with before the Court below. If she is unable to attend the Court on health grounds, she is at liberty to file appropriate application before the Court below to dispense with her attendance, which shall be considered in accordance with law.

5. With the above observations, the Criminal Petition is disposed of.

Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

28.02.2018
DRK



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