

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Crl.P.No.3564 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C., petitioner/A3 seeks to quash the proceedings against him in PRC No.3 of 2018 on the file of Additional Junior Civil Judge, Chirala.

2) The grievance of the petitioner is that earlier he filed Crl.P.No.1324 of 2018 with the same prayer and this Court while observing that case was not yet committed to the Court of Session and while committing the case to a Court of Session, the learned Magistrate has to apply his mind with regard to the offences triable by the Court of Sessions and even if the case is committed to Court of Session, a hearing is contemplated before charges are framed and held the petitioner can make his submission before the competent Court. According to the petitioner, he moved an application CFR No.1911 of 2018 dated 26.02.2018 before the Additional Munsif Magistrate, Chirala to hear his submission. However, the said Court without understanding the purport of the order of High Court in Crl.P.No.1324 of 2018 rejected his application.

Hence the instant petition.

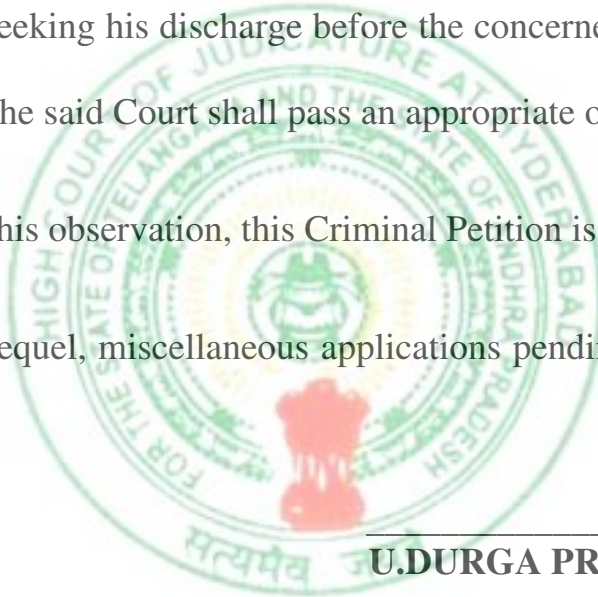
3) It is seen that that Additional Junior Civil Judge, Chirala in his order dated 01.03.2018 observed that one of the offences, which were taken cognizance, was under Section 370(A) (2) IPC which is exclusively triable by Court of Session. Hence, the petitioner can

approach the Sessions Court at appropriate time and as the Committal Court was not competent to frame charges, it cannot discharge or acquit the petitioner. On the aforesaid observation, the said Court returned the application filed by the petitioner.

5) Thus, the observation of the committal Court is that the petitioner can raise his objections before the trial Court at the time of framing charges and seek for his discharge. I find no illegality in the order impugned. The petitioner, if advised, can move an application seeking his discharge before the concerned trial Court in which case, the said Court shall pass an appropriate order thereon.

6) With this observation, this Criminal Petition is closed.

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



U.DURGA PRASAD RAO, J

Date: 20.06-2018
Murthy