

**SMT JUSTICE T.RAJANI**

**CRIMINAL PETITION No.8680 OF 2011**

**ORDER:**

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioner/A-3 seeking to quash the proceedings in F.I.R. No.209 of 2011 of Anakapalli Town Police Station, Visakhapatnam District, registered for the offence punishable under Section 120-B R/w. 34 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the respondent - State.

3. The allegations in the complaint show that two arms were seized from A-1 and A-2 and, on their confession, the petitioner/A-3 got arrested in the Crime. The role attributed to the petitioner herein is that he, along with A-4, engaged A-1 and A-2 for killing one Mori Simhachalam, a teacher in M.P.P. School, Gondrangipadu Village, Bhimprolu Post of Ananthagiri Mandal.

4. Hence, considering the above, this Court opines that it is not a fit case to quash the proceedings against the Petitioner/A-3 in Crime No.209 of 2011 of Anakapalli Town Police Station, Visakhapatnam District. Unless the trial is taken up in the matter, the truth would not come out.

5. At this stage, learned counsel requests the Court to dispense with the presence of the petitioner before the Court below.

6. In view of the above, this Court considers that the presence of the petitioner before the Court below may not be insisted upon unless it is required for the proceedings of the case. Hence, in view of the above, the presence of the petitioner/A-3 shall be dispensed with. But, however, the Court below can direct the petitioner/A-3 to be present on those dates of the proceedings in which his presence is required.

7. In the light of the above, the Criminal Petition is dismissed.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

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**T. RAJANI, J**

Date: 25.09.2018.  
Dsh



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