

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.6451 of 2018

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings in C.C.No.665 of 2016 on the file of Additional Judicial First Class magistrate, Gudiwada, Krishna District, Andhra Pradesh, registered for the offences punishable under Sections 120-B, 467, 468, 471, 409, 420 r/w 34 IPC.

The case of the prosecution in brief is that the petitioner fabricated/forged a Will dt. 14.10.2007 allegedly executed by the father of the petitioner, but a written report was lodged on 07.04.2011 and after completion of investigation, the police concerned filed charge sheet on 06.09.2016.

The contention of the learned counsel for the petitioner before this Court is that the *De facto* complainant also fabricated another Will Dt. 06.10.2007, which is subject matter of C.C.No.16 of 2016 pending on the file of Additional Judicial First Class Magistrate, Gudivawa. Though the counsel raised several grounds in the petition, he fairly requested this Court to direct the Magistrate concerned to dispose of C.C.No.665 of 2016 and C.C.No.16 of 2016 pending against this petitioner/accused and the *de facto* complainant herein registered for various offences by contending joint trial as the basis for registering the Charge sheet is only forgery/fabrication of two different wills by this petitioner and the complainant. But, this Court cannot direct the trial Court for joint trial of both cases. However, this Court is competent to issue a direction

for simultaneous trial and pronouncement of judgment on the same day by exercising power under Section 482 Cr.P.C.,

Learned Public Prosecutor for the State of Andhra Pradesh reported no objection to issue such direction.

Taking into consideration the fact and circumstances of the case and nature of the offences, the Additional Judicial First Class Magistrate is directed to dispose of both the cases i.e., C.C.No.665 of 2016 and C.C.No.16 of 2011 pending before him simultaneously and decide on the same day by two independent judgments.

With the above directions, this Criminal Petition is disposed of without touching the grounds urged in the Petition.

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

M. SATYANARAYANA MURTHY, J

Dt: 24-07-2018
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