

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6687 OF 2018

ORDER:

Heard learned counsel for the petitioners, who are no other than respondents in D.V.C.No.1 of 2018 on the file of the Special Judicial Magistrate of First Class for Excise, Nellore, outcome of the complaint by the 2nd respondent.

In fact, as laid down by this Court in *Gaddameedi Nagamani v. The State of Telangana rep. by Public Prosecutor* (CrI.P (SP) Nos.22371 of 2015 and batch), there is an efficacious appeal remedy under Section 29 of the Domestic Violence Act, to impugn the cognizance. Hence, there is nothing to entertain the quash petition but for giving liberty to file appeal if at all within one week from the date of receipt of copy of this order before the Court of Sessions and in such an event, the learned Sessions Judge shall entertain the appeal without regard to period of limitation for appeal. The petitioner is further at liberty to file an application under Rule 37 of the Criminal Rules of Practice for one to represent others or Section 205 Cr.P.C. to represent through special vakalat holder and the learned Magistrate to hear and pass orders by considering the same with necessary conditions.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:31-10-2018

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