

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.7770 OF 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in C.C.No.48 of 2018, on the file of learned Principal Junior Civil Judge-cum-Special Court for Land Grabbing Cases, at Visakhapatnam, registered for the offences punishable under Sections 447, 427, 120-B of Indian Penal Code (for short "I.P.C.") and Sections 4 & 5 of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

2. Heard the learned counsel for the petitioner/accused and learned Public Prosecutor for the State of Andhra Pradesh representing the respondent-State. Perused the material on record.

3. During argument, learned counsel for petitioner, Sri V.V.Narayana Rao, requested this Court to dispense with the appearance of the petitioner before the Magistrate on the dates of adjournment, except on the dates when his presence is specifically required by the Court without touching the merits of the case.

4. This Court cannot exercise power under Section 205 of Cr.P.C. or Rule 37 of the Criminal Rules of Practice. Therefore, the said protection cannot be given to the petitioner for dispensing his appearance before the Magistrate.

5. Accordingly, the Criminal Petition is disposed of. However, the petitioner is at liberty to file an application either under Section 205 of Cr.P.C. or under Rule 37 of the Criminal Rules of Practice before the Magistrate, who is competent to decide whether his appearance before the Court on every date of adjournment is

required or not and on filing such application, the Magistrate is directed to dispose of the application within a period of one (01) week from the date of filing of such application, in accordance with law.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 25th July, 2018

Note: Issue C.C. in two (02) days.

(B/o.)
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