

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.8186 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in C.C.No.631 of 2016 on the file of II Additional Chief Metropolitan Magistrate, Vijayawada City, Krishna District, on the ground that none of the witnesses stated about the involvement of this petitioner/A.4.

Undoubtedly, Lws. 1 to 3 did not state anything against this petitioner. However, in the statements of Lws. 4 to 6 recorded by Police, an allegation about involvement of this petitioner in the crime and causing of injuries on the body of the injured persons, but this fact was heard by the witnesses on being discussed by the neighbours. Therefore, the statement of Lws. 4 to 6 is hearsay evidence. However, the allegations are sufficient to proceed against this petitioner, but whether the evidence of Lws. 4 to 6 can be believed or not is a question of fact to be decided during the course of trial. At this stage, the learned counsel for the petitioner requested this Court to dispense with the appearance of this petitioner before the Magistrate on the date of adjournments except when his personal appearance is required, but this Court cannot exercise such power under Section 205 Cr.P.C. while deciding an application filed under Section 482 Cr.P.C. since it is the discretion of the trial Court depending upon the gravity and seriousness of the offence. Therefore, the petitioner is given liberty

to file an application under Section 205 Cr.P.C. or under Rule 37 of Criminal Rules of Practice before the trial Court and on filing such application, after serving notice on the respondent, the Magistrate is directed to dispose of the petition in accordance with law within a period of one week from the date of filing such application.

Accordingly, this Criminal Petition is disposed of at the stage of admission.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

Date: 02-08-2018
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M. SATYANARAYANA MURTHY, J



HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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