

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9196 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code to quash the proceedings in C.C.No.210 of 12017 pending on the file of Judicial Magistrate of First Class, Venkatagiri, SPSR Nellore District, registered for the offences punishable under Sections 143,147,447,148,324 r/w 149 IPC.

The petitioner raised a ground to exempt his presence at the time of commission of offence, contending that, he was on the road and not a member of unlawful assembly. But, as seen from the allegations, there is a specific allegation to that effect.

However, while arguing the matter for some time, learned counsel for the petitioner Sri S.V. Muni Reddy requested this Court to dispense with the appearance of the petitioner before the Court below. But, this Court cannot exercise such power under Section 482 Cr.P.,C, in view of the specific provision contained under Rule 37 of Criminal Rules of Practice. Therefore, leaving it open to the petitioner to file appropriate application Rule 37 of Criminal Rules of Practice before the Court below, this criminal petition is disposed of without touching the merits of the case.

However, if any application is filed by the petitioner under Rule 37 of Criminal Rules of Practice before the Judicial Magistrate

of First Class, Venkatagiri, SPSR Nellore District, the Court below shall dispose of the same within one week, in accordance with law.

With the above, the criminal petition is disposed of, without touching the merits of the case.

Consequently, miscellaneous petitions pending, if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.08.2018

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