

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9803 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in C.C.No.372 of 2015 on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam, Visakhapatnam District.

During hearing, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner before the Magistrate on the date of adjournments except when their 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/s, the Magistrate is directed to dispose of the petition in accordance with law within a period of two weeks from the date of filing such application.

Accordingly, this Criminal Petition is disposed of.

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

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M. SATYANARAYANA MURTHY, J

Dt: 14-09-2018

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