

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9868 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioners - accused Nos.1 to 3, seeking to quash the proceedings against them in Calendar Case No.219 of 2017, pending on the file of the learned I Additional Chief Metropolitan Magistrate at Visakhapatnam, registered for the offences punishable under Section 498-A of the Indian Penal Code, 1860 and Sections - 3 and 4 of the Dowry Prohibition Act, 1961, on various grounds.

2. Learned counsel for the petitioners, Sri N. Harinadh, during hearing, requested this Court to dispense with appearance of the petitioners on the dates of adjournment by the Magistrate. But, this Court cannot exercise such power under Section 205 of the Code, since it is purely discretion of the Magistrate before whom the petitioners are supposed to appear. Therefore, liberty is given to the petitioners to file appropriate petition before the Magistrate under Section 205 of the Code or under Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, and in the event of filing such petition, the learned Magistrate is directed to dispose of the same within a week from the date of filing such petition, keeping in view the law declared by the Hon'ble Supreme

Court in **Rajesh Sharma v. State of U.P.**¹ and **Social Action Forum for Manav Adhikar v. Union of India, Ministry of Law and Justice**².

3. With the above direction, the present Criminal Petition is disposed of at the stage of admission itself.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

September 17, 2018
Mgr



¹ 2017 (2) ALT (Crl.) 393 (SC)

² . Judgment, dated 14.09.2018, in W.P. (Civil) No.73/2015
along with Crl.A.No.1265/2017 and W.P. (Crl.) No.156/2017