

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10272 of 2018

ORDER:

This petition is filed, under Section 482 Cr.P.C, by the sole accused to quash the proceedings in C.C.No.150 of 2017 on the file of Judicial Magistrate of First Class, Srikakulam, registered for the offence punishable under Section 420 IPC.

Though various grounds are raised but at the stage of admission, learned counsel for the petitioner made a request to dispense with the appearance of the petitioner.

Without adverting to the merits in the grounds in the petition, it is difficult to accede to the request for the reason that this Court cannot exercise power under Section 205 Cr.P.C. in a petition filed under Section 482 Cr.P.C. and it is for the Magistrate to exercise such discretionary power whether to grant exemption of the appearance of the petitioner and represent by his counsel through out the trial or for any limited period. Therefore, I deem it appropriate to grant leave to the petitioner to file appropriate application under Section 205 Cr.P.C. or under Rule 37 of the Criminal Rules of Practice to dispense with the appearance of the petitioner and to represent by the counsel or by any of the other accused. On filing this application, learned Magistrate is directed to dispose of the application within a week thereafter in accordance with law.

With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending, shall stand closed.

M.SATYANARAYANA MURTHY,J

Dt:27.09.2018
usd

