

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10829 of 2018

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed to quash the proceedings in C.C.No.734 of 2018 on the file of XIV Metropolitan Magistrate, Cyberabad at LB Nagar.

During hearing, learned counsel for the petitioners requested this Court to dispense with the appearance of these petitioners 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 petitioners are 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 keeping in mind the guidelines issued by the Apex Court in ***Rajesh Sharma v. State of U.P***¹, modified in *Social Action Forum for Manav Adhikar and another v Union of India, Ministry of Law and Justice and another*².

¹ 2017(2) ALT (CrI) 393 (SC)

² WP (Civil) No.73 of 2015 & batch

Accordingly, this Criminal Petition is disposed of.

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

M. SATYANARAYANA MURTHY, J

Date: 10-10-2018
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