

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10771 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.2 to 5 and 7 to 10, to quash the proceedings against them in Calendar Case No.109 of 2015, pending on the file of the learned I Additional Judicial Magistrate of First Class at Nizamabad, Telangana State, registered for the offence punishable under Section 498-A of the Indian Penal Code, 1860, on various grounds.

2. During hearing, learned counsel for the petitioners requested to dispense with the appearance of the petitioners before the Magistrate throughout trial except permitting them to appear before the Magistrate whenever their presence is ordered by the Magistrate. But, this Court cannot exercise such power under Section 205 of the Code or Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, while exercising power under Section 482 of the Code. Hence, liberty is given to the petitioners herein to file appropriate application either under Section 205 of the Code, or under Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, and on filing such application, the learned Magistrate is directed to dispose of the same within a week thereafter keeping in mind 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

October 10, 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