

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10951 OF 2018

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in C.C.No.363 of 2017 on the file of the Additional Judicial Magistrate of First Class, Mangalagiri, registered for the offence punishable under Sections 506 and 509 read with 34 of Indian Penal Code (for short "I.P.C.").

Sri Nimmagadda Satyanarayana, learned counsel for the petitioners, without touching merits of the case, requested this Court to dispense with the appearance of the petitioners before the Court below.

This Court cannot exercise power under Section 205 of Cr.P.C. as it is discretionary power conferred on the Magistrate to dispense with the appearance under Section 205 of Cr.P.C. Therefore, the petitioners are directed to file appropriate application under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice, and on filing such application, the Magistrate concerned is directed to dispose of the same within two (2) months, in accordance with law

With the above direction, the criminal petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

12.10.2018
Ksp