

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11406 of 2018

ORDER :

The petitioners are A.1 to A.5 among five accused in C.C.No.175 of 2018 pending on the file of the Judicial Magistrate of First Class, Prohibition and Excise, Guntur, taken cognizance for the offences punishable under Sections 498-A and 506 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, which is out come of Crime No.233 of 2017, dated 25.10.2017, of Women Police Station, Guntur Urban, for the offences supra, from the report of the 2nd respondent/*de facto* complainant, no other than the wife of A.1, and the police after investigation filed the final report.

2. Heard learned counsel for the petitioners and 2nd respondent/*de facto* complainant and the learned Public Prosecutor, representing the 1st respondent-State and perused the material on record.

3. The material falls short for this Court to go into the merits for no Part-II case diary filed along with the charge sheet as to whether there are any sustainable allegations or not to the contention of no sustain allegations.

4. Having regard to the above, for want of material the Court cannot decide on merits, the same can be disposed of without prejudice to the rights of the petitioners, if any, to file application for discharge if no grounds to frame charge invoking Section 238 Cr.P.C.

Needless to say for the five accused, from the difficulty of personal appearance expressed of each one from the far of place at Nellore District to attend the Court at Guntur for every adjournment, liberty is given to the petitioners to approach the trial Court invoking Rule 37 of the Crime Rules of Practice and in the event of filing such petition, the learned Magistrate may permit with necessary conditions for one to represent the others subject to the requirement of personal appearance as and when directed.

5. With the above observation, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

22nd November 2018.

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Dr. B. SIVA SANKARA RAO, J

