

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.678 OF 2019

ORDER:

The petitioners are A-3 & A-4 in C.C.No.295 of 2018, on the file of the learned Additional Judicial Magistrate of First Class, Karimnagar, taken cognizance for the offences punishable under Sections 498-A, 420, 307, 354 & 506 of Indian Penal Code (for short, 'IPC') and Sections 3 & 4 of Dowry Prohibition Act, 1961, which is outcome of Crime No.174 of 2018 of Station House Officer, III Town Karimnagar Police Station, Karimnagar District. From the report of the 2nd respondent/*de facto* complainant, no other than wife of A-1, the police, after investigation, filed the charge sheet pursuant to the crime, dated 09.07.2018, on 20.12.2018, from which the cognizance was taken. It is impugning the same, the present quash petition is filed.

2. Heard before admission and before notice to the 2nd respondent/*de facto* complainant and perused the material placed on record.

3. There are no statements of all witnesses filed and the material is insufficient even for this Court to analyse the facts as a whole to the conclusion arrived by the police in the final report and from the cognizance order and in the absence of which, but for left open any such defences from the contentions raised in the quash petition, this Court cannot decide the matter on merits.

4. Having regard to the above, rather than dismissal, the Criminal Petition is disposed of by left open all defences to approach the trial Court, if at all there are no grounds to frame a charge for seeking discharge. Needless to say, from the difficulty expressed for all to attend regularly, there is no bar to the application of Rule 37 of the

Criminal Rules of Practice, particularly insofar as the lady accused and senior citizens accused concerned. The learned Committal Magistrate, by virtue of this order, has to commit the case practically subject to compliance of Section 209 Clauses (a) to (d) of the Code of Criminal Procedure, 1973, for other than a post office duty to expedite the committal and after numbering of the sessions case and appearance of all accused, the learned Sessions Judge may permit to file application under Rule 37 of the Criminal Rules of Practice to dispense with the regular personal presence for one to represent the others pursuant to the order referred supra, but for personal appearance as and when required.

Miscellaneous petitions pending, if any, in the criminal petition shall stand closed.

DR.B.SIVA SANKARA RAO, J

Date: 11th February, 2019

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