

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

CRIMINAL PETITION No.12484 OF 2018

ORDER:

The petitioners are A-1 to A-3 in C.C.No.123 of 2018, on the file of the I Additional Judicial Magistrate of First Class, at Miryalguda, Nalgonda District, taken cognizance for the offences punishable under Section 498-A of Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act, 1961, which is outcome of report of the 2nd respondent/*de facto* complainant in Crime No.240 of 2017, dated 24.11.2017, and the Police, after investigation by citing 13 witnesses including L.Ws.12 & 13 – the Investigation Officers, filed the charge sheet of whom L.W.1 is the *de facto* complainant, L.Ws.2, 3 & 4 are the parents and brother of *de facto* complainant and L.Ws.5 to 11 are the elders and circumstantial witnesses to prove the alleged offences against the *de facto* complainant by the accused persons of cruelty and impeachment for including additional dowry demands.

2. The notice sent to the 2nd respondent track report shows 'served' is sufficient service and taken as heard 2nd respondent to decide on merits. Heard learned counsel for the petitioners and the learned Public Prosecutor for the 1st respondent State.

3. In fact, no Part-2 statements of the witnesses cited in the charge sheet filed by the petitioners in the quash petition because of the material is insufficient, the Court is not in a position to consider the prayer in the quash petition on merits, but for thereby left open to urge, if at all there is any ground for discharge before the trial Court, if no charges so far framed, by filing application for discharge to consider from the material before the trial Court and by left open all defences. So far as the inconvenience expressed for all accused to appear

personally before the trial Court concerned, by virtue of this order, the petitioners are entitled to approach the trial Court by filing application under Rule 37 of the Criminal Rules of Practice for one to represent all to permit with necessary conditions by the trial Court after hearing.

4. With the above observations, the Criminal Petition is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

Date: 30th January, 2019

Note: Issue C.C. by tomorrow.

(B/o.)
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