

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

CRIMINAL PETITION No.13522 OF 2018

ORDER:

Heard and perused the material record.

2. The petitioner is A-2 and his brother is A-1 by name Hari Krishna, being the sons of one Kishan. The allegation is one trespass and mischief. There are two incidents mentioned. One is on 30.04.2016 and the other is on 02.05.2016. The first incident relates to the acquisition against the petitioner and the second incident relates to the acquisition against A-1. For the second incident against A-1, L.W.2 – daughter of the *de facto* complainant is so-called eye witness and for the first incident against the petitioner, *de facto* complainant himself is the witness as per the charge sheet. Once such is the case, in the absence of showing how it is abuse of process, the Court is not in a position to quash the proceedings, but for left open all defences.

3. Accordingly, the Criminal Petition is disposed of rather than dismissal with the observation, from the difficulty expressed, that in the event of filing any application under Section 205 of the Code of Criminal Procedure, 1973, to represent through Special Vakalath holder, the trial Court shall hear and permit, if not chosen, for one of the accused to represent the other under Rule 37 of the Criminal Rules of Practice by such application.

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

DR.B.SIVA SANKARA RAO, J

Date: 24th January, 2019
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