

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11680 OF 2022

Between:

Chenagoni (Chevagoni) Shiva Kumar, S/o Sarvaiah Aged about 30 years,
Occ. Business, R/o H. No. 4-1-183, V S P Colony, Hyderabad.

...PETITIONER/ACCUSED No.3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court Bldgs,
Hyderabad.

...RESPONDENT No.1

2. Guduguntla Omprakash, S/o Chandraiah, Aged about 65 years, Occ.
Business, R/o H. No. 2-1-279, Mamathanagar, Nagole, Hyderabad.

**...RESPONDENT No.2/
DEFACTO COMPLAINANT**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to the proceedings in C.C. No. 861 of 2022 on the file of Honourable Addl. Junior Civil Judge, At Devarakonda for the offences under Sec. 447, 427 r/w 34 of IPC so far as the Petitioner/Accused No. 3 is concerned and quash the same as illegal.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all the further proceedings in C.C.No. 861 of 2022 on the file of Honourable Addl. Junior Civil Judge, At Devarakonda for the offences under Sec. 447, 427 r/w 34 of IPC so far as the Petitioner/Accused No. 3 is concerned including their arrest.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KIRAN PALAKURTHI, Advocate for the Petitioner and of the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11680 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.3 seeking to quash the proceedings against him in C.C.No.861 of 2022 pending on the file of Additional Junior Civil Judge at Devarakonda. The offences alleged against him are under Sections 447 and 427 of Indian Penal Code.

2. Heard learned counsel for the petitioner - Accused No.3 and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. Learned counsel for the petitioner confined his prayer to dispense with the personal appearance of petitioner - Accused.

4. Considering the submission of learned counsel for the petitioner, the attendance of the petitioner - Accused No.3 is dispensed with in C.C.No.861 of 2022 pending on the file of Additional Junior Civil Judge at Devarakonda, when represented by his counsel on record. The attendance of the petitioner - Accused

is dispensed with subject to filing an affidavit by the petitioner stating that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner and shall not dispute his identity also. However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of failure of the petitioner to appear when the Court directs, this order dispensing his attendance shall stand cancelled.

5. Accordingly, the Criminal Petition is disposed of. Needless to say, in the event of the petitioner filing an application under seeking discharge, the concerned Court shall dispose it of on merits within a period of four (04) weeks.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Junior Civil Judge, at Devarakonda.
2. The Judicial Magistrate of First Class at Devarakonda.
3. The Station House Officer, Konda Mallepally Police Station, Nalgonda District.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to Sri KIRAN PALAKURTHI, Advocate [OPUC]
6. Two CD Copies.

Njb
plp

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HIGH COURT

DATED:26/12/2022



ORDER

CRLP.No.11680 of 2022

DISPOSING OF THE CRIMINAL PETITION.

⑨Copies
Sm
11/01/23