

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

**MONDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 210 OF 2023

Between:

Kota Satyanarayana, S/o. Venkatappaiah, aged about 71 years, Occ. Retd. Employee, R/o.Flat No.301, Royal Gulmarga Apartments, D.K.Road, Ameerpet, Hyderabad.

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/RESPONDENT

2. Avula Laxmikara Yadav, S/o.Penchalaiah, aged about 46 years, Occ. Business, R/o.Flat No.103, Sai Surabhi Avas, Madhuranagar, S.R.Nagar, Hyderabad.

...RESPONDENT/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 entire records in C.C.No. 504 of 2017, which is pending on the file of the court of the Hon'ble III Additional Chief Metropolitan Magistrate at Hyderabad charged U/s. 420, 406 IPC and quash the same as abuse of process of law against petitioner herein pass such other orders as may deem fit.

I.A. NO: 2 OF 2023

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 grant stay of all further proceedings including appearance of the petitioner in C.C.No. 504 of 2017, which is pending on the file of the court of the

Hon'ble III Additional Chief Metropolitan Magistrate at Hyderabad, pending disposal of the above criminal petition in this Hon'ble Court and pass such other orders as may be deem fit.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ravi Kumar Vadlakonda, Advocate for the Petitioner and of the Additional Public Prosecutor on behalf of the Respondent No.1,

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.210 OF 2023****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 to quash the proceedings against him in C.C.No.504 of 2017 pending on the file of III Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against him are under Sections 420 and 406 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 - State. Perused the record.

3. Though the petitioner has raised several grounds to quash the proceedings in the aforesaid case, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner, in the aforesaid case before the trial Court.

4. Keeping in view that the petitioner is aged about 70 years, this Criminal Petition is disposed off with the following directions:

i) The attendance of the petitioner – Accused is dispensed with in C.C.No.504 of 2017 pending on the file of III Additional Chief Metropolitan Magistrate at Hyderabad, when represented by his counsel on record.

ii) The attendance of the petitioner is dispensed 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.

iii) However, the petitioner shall appear before the learned Magistrate as and when his presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing his attendance shall stand cancelled.

5. Needless to say, the petitioner is at liberty to file an application seeking discharge before the concerned Court. In the event of such application being made, the concerned Court shall dispose it off on merits, within a period of four weeks from the date of filing.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate at Hyderabad.
2. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to Sri Ravi Kumar Vadlakonda, Advocate [OPUC]
4. Two CD Copies

GJ

BSR

HIGH COURT

DATED:09/01/2023

ORDER

CRLP.No.210 of 2023



DISPOSING OF THE CRIMINAL PETITION

2
30/01/23
RSR