

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3331 OF 2022

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.3 and 4 to quash the proceedings against them in C.C.No.213 of 2021, pending on the file of Special Judicial Magistrate of First Class for Excise Cases at Nampally at Hyderabad. The offences alleged against them are under Sections 448, 324, 325 r/w.34 of the Indian Penal Code.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioners. They are triable issues. The petitioners have to face trial and prove their innocence. Therefore, this Court is not inclined to quash the proceedings in C.C.No.213 of 2021, pending on the file of Special Judicial Magistrate of First Class for Excise Cases at Nampally at Hyderabad, against the petitioners.

4. However, having regard to the facts and circumstances of the case, the attendance of the petitioners/A3 & A4 is dispensed with, with the following conditions:

- i) The attendance of the petitioners/A3 & A4 is dispensed with in C.C.No.213 of 2021, pending on the file of Special Judicial Magistrate of First Class for Excise Cases at Nampally at Hyderabad, when represented by their counsel on record.
- ii) The attendance of the petitioners/A3 & A4, is dispensed subject to filing an affidavit by them stating that in their absence the proceedings conducted by their counsel will not be disputed by them in any manner and shall not dispute their identity also.
- iii) However, the petitioners/A3 & A4 shall appear before the learned Magistrate as and when their presence is required. In the event of the petitioners' failure to appear when the Court directs, this order dispensing their attendance shall stand cancelled.

5. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 13.02.2023
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Dt. 13.02.2023

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