

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11938 OF 2022

Between:

Kandukure Sharan @ Charan, S/o. Saulu @ Poti Sailu Aged about 26 years, Occ. Student, R/o H.no.C-3-350925/1, Mahatma Gandhi Nagar, West Marredpally, Secunderabad.

.....PETITIONER/A-85

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Sri. Ravi Kumar, S/o Ramulu, Aged about 39 years, Occ.Sub-Inspector of Police, Marredpally P.S., R/o 12-5/5, J.J. Nagar, Alwal, Secunderabad.

.....RESPONDENTS/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 in PRC No.491 of 2019 on the file of XII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad and quash the same

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 dispense with the certified copy of the PRC No.491 of 2019 on the file of XII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad

I.A. NO: 2 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 of all further proceedings including the appearance of the petitioner in PRC No.491 of 2019 on the file of the XII Addl. Chief Metropolitan Magistrate, Nampally at Hyderabad in so far as the petitioner/A-85 is concerned

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VEERA BABU GANDU, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11938 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.85 to quash the proceedings against him in PRC.No.491 of 2019 pending on the file of XII Additional Chief Metropolitan Magistrate, Nampally. The offences alleged against the petitioner are under Sections 143, 147, 148, 152, 307, 332, 395, 427, 435, 452 r/w 109, 114, 149 of Indian Penal Code (for short "IPC") and Sections 3 and 4 of PDPP Act.

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

3. A perusal of the record would reveal that, petitioner/accused No.85 is situated far from the Court and facing difficulty to attend. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner have to face trial and prove his innocence. The defences taken by the petitioner

cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in PRC.No.491 of 2019 pending on the file of XII Additional Chief Metropolitan Magistrate, Nampally against the petitioner herein.

4. In view of the aforesaid reasons, the attendance of the petitioners herein – Accused No.85 is dispensed with in PRC.No.491 of 2019 pending on the file of XII Additional Chief Metropolitan Magistrate, Nampally, when represented by his counsel on record. 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 also he shall not dispute his identity. 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 would stand cancelled.

5. Accordingly, the Criminal Petition is disposed off, giving liberty to agitate all the issues and grounds that are raised before this Court by filing discharge application 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/-N.SRIHARI
ASSISTANT REGISTRAR

GP

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad
2. The Station House Officer, CCS,DD Hyderabad
3. One CC to SRI VEERA BABU GANDU Advocate [OPUC]
4. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

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HIGH COURT

DATED:02/01/2023

ORDER

CRLP.No.11938 of 2022



DISPOSING OF THE CRIMINAL PETITION

①
PM
20/1/23