

**THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL**

**Criminal Petition No.14243 of 2016**

**ORDER:**

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/accused Nos.1, 2, 4 & 10 seeking to quash the C.C.No.157 of 2009 on the file of the II Additional Metropolitan Magistrate, Anakapalli, for the offences under Section 188 I.P.C., Section 190(1) M.V. Act, Rule 7 of Compendium of Instructions on Conduct of Election, Vol.(2) Cl.(1)(iv) of Model Code of Conduct issued by Election Commission of India.

Heard the learned counsel for the petitioners/accused Nos. Nos.1, 2, 4 & 10 and the learned Public Prosecutor and perused the material available on record.

On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioners can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioners.

In any event, considering the nature of allegations against the petitioner Nos.1,2 and 4 - accused Nos.1,2 and 10, presence of the petitioner Nos.1,2 and 4 - accused Nos.1,2 and 10 on each and every hearing before the trial Court is dispensed with, but they shall appear before the trial Court when the trial Court insists for their appearance for any specific purpose.

Considering the nature of allegations against the petitioner No.3-accused No.4, the Criminal Petition is dismissed as far as petitioner No.3-accused No.4 is concerned. The petitioner No.3-accused No.4 shall appear before the trial court during the course of trial. The trial Court is directed to dispose of C.C.No.157 of 2009 positively within six months from today.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending in this petition, if any, shall stand closed.

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JUSTICE M.S.K.JAISWAL

30.09.2016

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