

HIGH COURT OF ANDHRA PRADESH

MAIN CASE NO.: Crl.R.C.No.882 of 2021

PROCEEDING SHEET

Sl.No.	Date	ORDER	OFFICE NOTE
01.	28.12.2021	<u>DR,J</u> <u>Crl.R.C.No.882 of 2021</u> Learned Assistant Public Prosecutor takes notice on behalf of respondent No.1-state. Issue notice to respondent No.2. Learned counsel for the petitioner is permitted to take out personal notice on respondent No.2 by registered post with acknowledgement due and file proof of service. Post after four weeks. _____ DR,J <u>I.A.No.1 of 2021</u> The petitioner who is A6 has filed Crl.M.P.No.1361 of 2021 in C.C.No.282 of 2014 under Section 239 of Cr.P.C. seeking to discharge him from the said case, but the same was dismissed by the Court below on the ground that the issue with regard to the petitioner's involvement in the offence cannot be decided at that stage and can be decided only after full pledged trial. Aggrieved by the same, the present revision is filed. Heard. Learned counsel for the petitioner submits that initially after investigation, the Investigating Officer filed charge sheet by deleting the names of A2 to A9 from the accused list. But subsequently after hearing on the protest petition filed by the complainant, the Court below has directed the Station House Officer, Kandukur (T) Police Station, Prakasham District to file fresh charge sheet by adding the names of alleged accused i.e. A2 to A8, which is contrary to the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'). He submits that as per Section 210(2) of Cr.P.C., if the Court satisfies that there is <i>prima facie</i> case against alleged accused, it can take cognizance but, direction cannot be given to the	

		Investigating Officer to include the names of such accused and file fresh charge sheet. In view of the above submission, there shall be stay of all further proceedings in C.C.No.282 of 2013 in crime No.37 of 2013, on the file of learned Additional Judicial Magistrate of First Class, Kandukur, insofar as the petitioner is concerned. _____ DR,J <u>I.A.No.2 of 2021</u> On the request made by Sri S.M.Subhani, learned standing counsel for ACB and Special Public Prosecutor, for the respondent, post after four weeks, for filing counter. _____ DR,J ikn	
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