

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.3991 OF 2015

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ORDER:

The present application is filed under Section 438 Cr.P.C. seeking release in the event of execution of non-bailable warrant issued in C.C.No.646 of 2012 in F.I.R.No.783 of 2007 of Kushaiguda Police Station.

The above crime came to be registered against the petitioner and others for the offences punishable under Section 498A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act. In the said crime, A2 and A3, who are parents of A1, were tried in C.C.No.567 of 2014 for the above mentioned offences. By its judgment, dated 28.01.2015, the learned XX Metropolitan Magistrate, Cyberabad at Malkajgiri, acquitted A2 and A3. It is represented that the said order has become final. The case against A1 was split up and non-bailable warrants were issued. Apprehending that he may be arrested pursuant to the issuance of non-bailable warrants, petitioner filed the present application under Section 438 Cr.P.C..

Learned counsel for the petitioner submits that in view of the acquittal of A2 and A3, the question of convicting the petitioner will not arise. But it is to be noted that merely because A2 and A3 are acquitted after a full fledged trial, it does not automatically follow that A1 has to be acquitted. It depends upon the evidence that will be adduced at the time of trial. However, in view of the acquittal of A2 and A3, request of the petitioner can be considered on certain terms and conditions.

Accordingly, the application is disposed of by directing the

petitioner to appear before the concerned Court and make an application for recall of warrants, which shall be considered on the same day on such terms and conditions the said Court deem it fit and proper.

C. PRAVEEN KUMAR, J

May 01, 2015

MD

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