

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

**CRL.P.M.P.No. 4823 OF 2015**

**IN**

CRIMINAL PETITION No. 4311 OF 2015

DATED 14<sup>TH</sup> MAY, 2015.

BETWEEN

A.Pochi Reddy

...Petitioner

And

The State of Telangana, rep. by its

Public Prosecutor, High Court, at

Hyderabad.

...Respondent.

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

**.P.M.P.No. 4823 OF 2015**

**IN**

CRIMINAL PETITION No. 4311 OF 2015

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**ORDER:**

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The petitioner who is accused No.3 in Crime No.27/2014-15 on the file of the Prohibition and Excise Station, Kodangal, Mahaboobnagar District, registered under Section 34-A of the A.P. Excise Act, filed the present petition under Section 482 Cr.P.C. seeking to quash the proceedings in the aforesaid crime.

When this Criminal Petition came up for consideration on 30.04.2015, having regard to the prima facie material contained in the FIR for the offence punishable under Section 34-A of the A.P. Excise Act, this Court refused to exercise the jurisdiction under Section 482 Cr.P.C., However, having heard the learned Counsel for the petitioner/accused, while disposing of the criminal petition, this Court directed the petitioner to surrender before the learned Judicial First Class Magistrate, Kodangal, Mahaboobnagar District on or before 08.05.2015 and on such surrender, the learned Magistrate should enlarge him on bail on his executing a personal bond for Rs.10,000/- with one surety for the like sum, with a condition that he (petitioner) should assist for smooth completion of trial.

However, the petitioner filed the present petition in CrI.P.M.P.No.4823 of 2015 seeking extension of time to surrender before the Court below as directed in the order dated 30.04.2015 on the ground that the learned Judicial Magistrate of First Class, Kodangal, Mahaboobnagar District refused to accept the surrender on the ground that the offence alleged is punishable under the provisions of the NDPS Act and the same is exclusively dealt with by a Special Court, namely, Court of learned I Additional District Judge, Mahaboobnagar.

This Court through order dated 7.5.2015 called for a report from the learned Judicial Magistrate of First Class, Kodangal in order to ascertain as to whether the contention of the petitioner/accused with regard to his attempt to comply with the order of this Court and its refusal by the learned Judicial Magistrate of

First Class is correct or otherwise.

Pursuant to the order of this Court dated 7.5.2015, the learned Judicial Magistrate of First Class, Kodangal filed report dated 11.05.2015 which reveals that the petitioner/accused did not made any attempt to surrender before the Court below from 30.04.2015 to 07.05.2015 as directed by this Court supra. The said report further discloses that subsequent to the order of this Court dated 7.5.2015, the petitioner himself surrendered before the Court below on 08.05.2015 and thereafter, he was enlarged on bail as directed by this Court supra. In view of aforesaid subsequent events, nothing remains for consideration in this Criminal Miscellaneous Petition.

The Criminal Miscellaneous Petition is therefore dismissed as having become infructuous.

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JUSTICE M.S.K. JAISWAL

DATED 14<sup>TH</sup> MAY, 2015.

Msnr<sub>x</sub>.