

**THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**CRIMINAL PETITION No.291 of 2015**

**ORDER**

This criminal petition is filed by the petitioners/A3 and A4 seeking quashment of the proceedings in C.C.No.589 of 2009 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. The grievance of the petitioners is that in the criminal case, the police have charge sheeted four accused, among which, A2 has been absconding since the FIR stage and so, the trial Court is not taking up the matter for trial for want of the presence of A2 as NBW is pending against him and it is not splitting up the case against A2 either.

3. Now, the submission of the learned counsel for the petitioners/A3 and A4 is that he is not very much particular about the quashment of the proceedings, but his request is to direct the trial Court to follow the procedure contemplated under the Code of Criminal Procedure, 1973, for splitting up the case in respect of the absconded accused and take up the trial in respect of the other accused so as to avoid agony to the other accused to attend the Court unnecessarily.

4. This is a case of the year 2009 but there is no progress in the matter. It appears the trial of the case is stalled only for want of A2, who has been absconding, and it causes much hardship to the other accused, who are regularly attending the Court. Therefore, the trial Court is directed to follow the procedure contemplated under Section 299 Cr.P.C., and split up the case in

respect of A2, who has been absconding, and conduct the trial so far as the other available accused are concerned at the earliest.

5. With the above directions, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this criminal petition, shall stand closed.

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**U. DURGA PRASAD RAO,**  
**J**

29<sup>th</sup> January, 2015

sj