

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.15110 of 2014

ORDER:

Heard learned counsel for petitioner. No representation for Public Prosecutor.

The submission of learned counsel for petitioner/accused is that Honourable Apex Court in its order dated 31.01-2014 set aside the order of the trial order in CrI.M.P.No.1533 of 2009 and order of the High Court in CrI.R.C.No.178 of 2011 and remanded the matter to the trial Court for fresh consideration of the petition for withdrawal of prosecution against the appellant/accused under Section 321 Cr.P.C., in the light of the judgments of the Apex Court in particular the majority judgment of the Constitution

Bench in ***Nandan Paswan vs. State of Bihar***^[1]. Pursuant to the judgment of the Apex Court the petitioner filed Memo before the trial Court requesting the trial Court to dispose of the CrI.M.P.No.1533 of 2009 but till today the trial Court has not disposed of the petition and on the other hand trial in C.C.No.17 of 2009 was proceeding. Learned counsel submits a direction may be given to trial Court to dispose of CrI.M.P.No.1533 of 2009 as per the orders of Honourable Apex Court.

The judgment of the Apex Court in CrI.A.No.299 of 2014 reads thus:

*“We accordingly allow the appeal, set aside the order of the Trial Court and the impugned order of the High Court and remand the matter to the Trial Court for fresh consideration of the petitioner for withdrawal of prosecution against the appellant under Section 321 Cr.P.C. in the light of the judgments of this Court and in particular the majority judgment of the Constitution Bench of this Court in **Nandan Paswan vs. State of Bihar and others** quoted above.”*

In the light of above direction, the learned Special Judge for SPE & ACB cases, Hyderabad is directed to dispose of Crl.P.No.1533 of 2009 in terms of the above judgment of the Honourable Apex Court within two (2) months from the date of this order after affording an opportunity of being heard to both parties.

Accordingly, this Criminal Petition is allowed.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 22.01.2015
Murthy

[\[1\]](#) AIR 1987 SC 877