

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7426 of 2015

ORDER :

The present criminal petition is filed by the petitioner/defacto-complainant under Section 482 Cr.P.C seeking a direction to the learned VII Additional Judicial Magistrate of the First Class, Rajahmundry to dispose of C.C. No.1895 of 2008 within a reasonable time.

2) Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering notice to the 2nd respondent and perused the material on record.

3) Out of 8 accused, A-8 died, A-2 to A-7 are not parties to the application. As can be seen from the report of the learned Magistrate, L.W-1 who is the petitioner herein, examined-in-chief as P.W-1 on 12.12.2014 in part and since then, the matter is coming at her request saying she want to file revision and on 19.08.2015 even P.W-1 was called, absent with no representation. The matter thereby posted to 09.09.2015 for her further chief examination to proceed with trial.

4) It is the submission of the learned counsel for the petitioner that there are certain documents to be filed on behalf of the defacto-complainant/P.W-1 which the

investigating officer did not receive and those are material. In such an event, it is left open to cause file through the Assistant Public Prosecutor of the case concerned, if at all there is relevancy to receive for the Court to consider under Section 242(2) Cr.P.C. It is needless to say, if the defacto-complainant want to assist the prosecution, it is left open to her either to file an application under Section 302 Cr.P.C or under proviso to Section 24(8) Cr.P.C of the amended Cr.P.C. to assist the prosecution through private advocate for the Court to hear and permit. As the matter is of the year 2008, the trial Court shall make every endeavour for disposal of the case within the letter and spirit of Section 309 Cr.P.C of the case already on the track of trial.

5) With the above observations, the criminal petition is disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

02.09.2015

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