

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7680 of 2015

ORDER :

Heard learned counsel for the petitioners (53 in number) who are among accused Nos.1 to 117 of C.C. No.106 of 2002 on the file of Judicial First Class Magistrate, Gudur, Nellore District, where the learned Magistrate has taken cognizance for the offences punishable under Sections 147, 148, 151, 152, 332 r/w 149 IPC and Section 3 of Prevention of Damage to Public Property Act, in Crime No.69 of 2000 of Podalakur Police Station, Nellore District and also heard respondent—State represented by learned public prosecutor.

2) The law is sitting in motion by inspector of police for the occurrences vide Crime No.69 of 2000. In fact, as can be seen from the crimes registered including Crime Nos.70 and 71 of 2000, after completion of investigation and final report filed herein against 117 accused persons. Perused the material on record.

3) It is a case of 2002 and charges already framed by the trial Court long back and the charges not even filed before the Court much less any part-II CD.

4) As can be seen from the charge sheet, there are in all 36 witnesses. A perusal of the record no way requires interference of this Court, at this stage since the matter is pending for a long time to quash the calender case for nothing to say it is totally delay on the part of prosecution alone but for to say as part of fundamental right of the accused with regard to speedy trial; as per letter and spirit under Section 309 Cr.P.C, by posting day-to-day and complete the trial. Thus, the trial Court shall be directed to dispose of the case within three months from the date of receipt of the order. Needless to say, as the petitioners stated all are going around the Court since, 2000, if not, atleast some of them among 117 accused, the learned Magistrate shall consider and

permit some of the accused to represent others under Rule 37 Cr.R.P as per the convenience with necessary conditions of personal appearance as and when required.

5) Accordingly, the Criminal Petition is disposed of, the trial Court is directed to complete the trial within three months from the date of the receipt of the order as directed, if not, the learned Magistrate can seek extension of time specifying with reasons. The learned Magistrate shall also on the application of the accused persons after hearing and with necessary conditions of personal appearance as and when required, permit some of them to represent others during enquiry/ trial, considering among them with the factors like age, ill health any sort of infirmity, women etc.,

6) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.04.09.2015
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