

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4896 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/Accused No.1 under Section 482 Cr.P.C seeking to quash the proceedings in S.C. No.10 of 2015 on the file of VI Additional Metropolitan Sessions Judge, Secunderabad under which the accused was charged for the offences punishable under Sections 147, 149, 323, 506 I.P.C and Sections 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

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-defacto-complainant and perused the material on record.

3) Though the petitioner was arrayed as A-1, claimed that he is the sole accused in the final report filed by police that was taken cognizance under Section 190 Cr.P.C. by the learned Magistrate and committed under Section 209 Cr.P.C and taken cognizance by the learned Sessions Judge under Section 193 Cr.P.C and the matter is coming for hearing on charges under Sections 226 to 228 Cr.P.C. As the material falls short for this Court to admit for quashing of the above mentioned Sessions Case under Section 482 Cr.P.C, the petition is disposed of giving liberty to the petitioner to file an application under Section 227 Cr.P.C before the learned Sessions Judge, so that the learned Sessions Judge shall hear and discharge if there are no any grounds to frame charge or to frame any charge only from the prosecution material as laid down by the expression of the Apex Court in ***State of Orissa V. Debendranath Padhi***. Needless to say the learned Sessions Judge shall complete the hearing on charges and passing of orders and if there are any orders under Section 228 Cr.P.C without prejudice to the further right of the accused to impugne. The learned Sessions Judge shall

conduct the trial, as per letter and spirit of Section 309 Cr.P.C to complete, preferably within three months.

4) With the above observations, the criminal petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

16.06.2015

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