

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3819 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused under Section 482 Cr.P.C seeking to quash the proceedings in CC No.412 of 2014 on the file of the Additional JFCM, Husnabad, Karimnagar District registered for the offences punishable under Sections 468 and 471 IPC.

2) Heard learned counsel for the petitioner/ accused and learned public prosecutor for 1st respondent—state and 2nd respondent—Assistant Director of Agriculture, Husnabad, Karimnagar District. Perused the material on record.

3) As per the record, the Crime No.73 of 2009 of Koheda Police Station, Karimnagar was registered for the offences punishable under Sections 468 and 471 IPC on 18.05.2009 and after investigation police filed charge sheet on 31.08.2009 that was taken cognizance by the learned Magistrate under CC No. 412 of 2014 and the trial also commenced in 2013. In fact after PW.1 was examined on 21.01.2014, there is no progress in the case even for more than 15 adjournments all through from January, 2014 given from failure on the part of the prosecution agency in securing LWs.2 to 5 of the charge sheet, despite summons issued many a time, by simply taking adjournments. A perusal of the docket proceedings of the Court also establishes the same. The accused cannot be made to suffer for the prosecution inaction and non-diligence. The Court cannot give unnecessary adjournments even the witnesses are not being examined by prosecution, despite opportunities but for to close the evidence and proceed further as contemplated by Cr.P.C. Accordingly, the learned Magistrate is directed to proceed according

to law and complete the trial (by recording the evidence, if the prosecution witness produced either on the summons or otherwise, else to close the prosecution further evidence for non production) to decide the case on merits from material on record preferably within (3) three months from the date of receipt of copy of this order.

4) Accordingly, the Criminal Petition is disposed of.

5) As a sequel, miscellaneous petitions, if any filed in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03.06.2015

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