

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.7006 of 2015

Between:

Maddi Sridhar Reddy and 3 others

... Petitioners

and

The State of Telangana rep. by the Public Prosecutor and
another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 10-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7006 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in P.R.C. No.10 of 2015 on the file of XXVI Metropolitan Magistrate Cyberabad at Maheswaram arising out of Crime No.284 of 2014 of Maheswaram Police Station registered for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act') and Section 342 of I.P.C.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record. The learned Magistrate by the impugned order dismissed the N.B.W recall application of the warrants issued against the petitioners in P.R.C. No.10 of 2015 vide N.B.W recall application No.2031 of 2015. By impugned order, the learned Magistrate while dismissing given liberty to file fresh petition by personal appearance of the accused. In fact, the N.B.W issued is in the P.R.C case which is a case triable by Court of Sessions, where the learned Magistrate has taken cognizance as a committal Magistrate under Section 190 Cr.P.C, for the offence punishable under Section 3(1)(x) of

the Act. The Special Court is the designated Court as Court of Sessions to have cognizance, at best committal stage under Section 193 Cr.P.C and also the Court which can grant bail.

3) It is from the order obtained by the accused not to arrest pending investigation from this Court (another bench) which is a blanket order, even the police filed final report and by showing in absconding and referring to the order of the Court they could arrest, but sought for issuing warrant and the committal Magistrate in the P.R.C supra, issued N.B.W. It is not a case of any bail earlier obtained. Once such is the case, when Section 209(b) Cr.P.C mandates, subject to bail to take the accused to custody and commit to the Court of Session while in judicial custody pending disposal of the case or the like as the case may be. Without obtaining bail as contemplated by Chapter XXXIII Cr.P.C they cannot ask for recalling of N.B.W. The impugned order passed by the learned Magistrate is thereby to some extent is correct in dismissing the application for recall of warrant with liberty to file fresh petition with presence might be to take them into custody by dismissing as not maintainable; if not such order of the Magistrate is also not legally correct.

4) Having regard to the above, when the accused have to obtain bail and the investigation is completed and police filed the final report that was taken cognizance by the learned Magistrate and allotted the P.R.C number and it is pending for committal but for compliance of the conditions

(a) to (d) of Section 209 Cr.P.C, committal proceedings are almost a post office duty and it is for the accused to obtain bail, to subserve the ends of justice this application is disposed of giving liberty to the petitioners firstly to surrender before the learned Magistrate and with affidavit of surrender on the self-same day file a regular bail application before the Special Judge with notice to the Special Public Prosecutor and in such an event the learned Special Judge shall grant bail with necessary conditions on the same day and with that bail order by complying with solvencies, they shall be released and once bail obtained, the pending N.B.Ws automatically ceases its force.

5) With the above observations, the Criminal Petition is disposed. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.10th August, 2015
KSH