

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2650 of 2015

ORDER:

The instant petition is filed by the petitioner, under Section 482 of the Code of Criminal Procedure, 1973, requesting the Court to direct the learned IX Additional Chief Metropolitan Magistrate, Nampally at Hyderabad, to dispose of P.R.C.No.24 of 2003 on its file within three months.

In the grounds, it is stated that the learned IX Additional Chief Metropolitan Magistrate, Nampally at Hyderabad, is not disposing of the above P.R.C. at the instance of respondents and it is an abuse of process of Court and, as such, it is liable to be disposed of expeditiously within three months. It is stated, in the grounds, that the case filed by the petitioner herein, under Section 302 read with 34 IPC, and Section 3(1) (viii), (ix), (x) and 3(2)(v) and (vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), is pending since long time, and that the Court below kept it pending at the instance of respondents despite the Criminal Petitions filed by the respondents – accused, in CrI.P.Nos.1436, 1621, 1622, 1652, 1653 and 1654 of 2004, were disposed of on 11.10.2004 and, therefore, sought the above direction.

Heard both sides.

As seen from the cause-title, there are as many as eight respondents arraigned as accused but, it is mentioned at the bottom of the cause-title that respondent Nos.2 to 8 are not necessary parties.

As seen from the material placed before this Court, except the common

order passed by this Court in CrI.P.Nos.1436, 1621, 1622 and 1653 of 2004, dated 11.10.2004, only quashing to the extent of the offence punishable under Section 302 read with 34 IPC, partly allowing the said petitions, the other offences were not interfered with by this Court. Thus, the copy of the order constitutes the material placed before this Court. In fact, when such a direction is sought, it is obligatory on the part of the petitioner – complainant to project what exactly has transpired, and as to whether any of the accused, or all the accused, have not been attending the Court, or any non-bailable warrants have been pending against any of the accused, which details have not been projected in the present petition.

On the other hand, allegations levelled against the learned IX Additional Chief Metropolitan Magistrate, Nampally at Hyderabad, to the effect that, at the instance of respondents – accused, the proceedings in P.R.C. are not being disposed of in time, which ought not to have been levelled for the reason that P.R.C. relates to the year 2003 and, already 12 years period elapsed and, number of Presiding Officers would have presided over. Therefore, there is absolutely no merit in the instant petition. The direction, sought for, cannot be given for want of projection of basic facts which have hindered the committal Court in committing the case to the Court of Sessions Division.

The Criminal Petition is, accordingly, disposed of.

Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

Date:21.04.2015

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