

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13423 of 2016

ORDER:

The Criminal Petition is filed seeking to quash the proceedings in PRC.No. 90 of 2014 pending adjudication on the file of learned XIX Metropolitan Magistrate, Kukatpally, at Miyapur, registered for the offences punishable under Sections 354, 506, 323 read with Section 34 IPC.

Heard learned Counsel on either side and perused the material available on record.

It is submitted that the petitioner is nothing to do with the disputes between A.1 and his wife and that he neither bet the second respondent herein nor abused any body. The petitioner herein was roped into the matter merely because he happened to be the friend of A.1.

After registration of crime, the police completed the investigation and filed charge sheet before the Court. It is on record that the petitioner/Accused No.3 could not appear before the trial Court during committal proceedings and that arrest warrant issued against him is pending execution. In view of the same, the Criminal Petition is disposed of keeping open to the petitioner to file appropriate petition before the trial Court seeking recall of warrant and if such a petition is filed, the learned Magistrate shall consider and dispose of the same on the same

day. It is further directed that on such recall of the arrest warrant, the learned Magistrate shall not insist the presence of the petitioner/A.3 till committal of the case to Sessions Court subject to the condition of the petitioner giving an undertaking that he shall appear before the Sessions Court as and when required/summoned.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 21st September, 2016.
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