

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 12798 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the order dated 4.8.2016 passed in Crl.R.P.No.145 of 2016 by the learned VII Additional Metropolitan Sessions Judge, Hyderabad and to direct the XVII the Additional Chief Metropolitan Magistrate, Hyderabad to conduct proceedings in CC.No.108 of 2015 expeditiously.

The petitioner herein is one of the accused in CC.No.108 of 2015. On account of the complaint lodged by the second respondent/defacto complainant, a case in Crime No.421 of 2014 was registered against the petitioner herein and the police after completing the investigation, filed charge sheet, which was taken on file by the learned Magistrate and registered the same as CC No.108 of 2016 for the offences punishable under Sections 406,419,420,494,506 IPC read with Section 156(3) Cr.P.C.. It appears that aggrieved by the framing of charges under the aforesaid provisions of law, the petitioner preferred Crl.R.P.No.145 of 2016 contending that offence under Section 498-A IPC cannot be tried by the trial Court and the other offences cannot be tried together with the offence under Section 498-A and that the trial Court has no jurisdiction to try the offences. The lower Revisional Court passed impugned order directing the trial Court to place the record before the Metropolitan Magistrate for

passing necessary orders to transfer the case to the Court of XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad.

Now It is the case of petitioner that the learned Magistrate without applying his judicious mind in proper perspective, wrongly framed the charges under Sections 498-A and 506 IPC. It is his further case that there is no relevant evidence disclosing commission of offence under Sections 498-A and 506 IPC to frame charges against him. He further submits that even the lower revisional Court did not consider his contentions in proper perspective.

Perused the material on record.

It is to be seen that the charges are framed against the petitioner basing on the material on record. The learned Magistrate having considered the material on record in proper perspective, came to the opinion that there is a ground for presuming that the accused committed offence. Having considered the submissions made by the learned Counsel on either side and gone through the material available on record, I do not see any valid ground to interfere with the order of the trial Court in taking cognizance of the offences. This Court by order dated 13.04.2016 in Criminal Petition No. 5230 of 2016 directed to dispose of CC No. 108 of 2015 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the said order, while dispensing the presence of the petitioner/A1 before the trial Court except on the dates whenever

his presence is insisted by the trial Court for any specific purpose. In view of the same, this Criminal Petition is disposed of directing the trial Court to dispose of CC.No.108 of 2015 as directed by this Court stated supra. It is made clear that the petitioner reserves liberty to raise all contentions including the contentions raised before this Court, in which event, the trial Court shall consider the same on merits and in accordance with law and dispose of the CC on merits as expeditiously as possible.

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 29TH September, 2016.
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