

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4132 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to direct the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad to split the case against the absconding accused and to proceed with the trial in C.C.No.250 of 2011 pending on its file.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent

The main grievance of the petitioner is that the police of Chaderghat police station, after completion of investigation into Crime No.364 of 2008 registered for the offences punishable under Section 147, 323, 324, 427, 382, 153-A read with Section 149 IPC, filed the charge sheet and the same was numbered as C.C.No.250 of 2011, which is pending on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad. In spite of the petitioner/accused attending the court regularly in the said case on each date of adjournment, since some of the accused in the said case are in absconding, the learned Magistrate, instead of splitting the case against them and proceeding with the case against the appearing accused persons, simply adjourning the matter on one pretext or the other. In the mean time, the petitioner/accused filed CrI.M.P.No.3522 of 2015 requesting the Court to split the case against the absconding accused persons and to proceed with the case against the appearing accused. But the learned Magistrate, without considering the same, adjourning the matter frequently, and hence, he requested a direction to split the case against the absconding persons and to proceed with the case.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel for the petitioner/accused, since the case is pending from 2011 wherein some of the accused persons are absconding, the learned XIV Chief Metropolitan Magistrate, Hyderabad, is directed to split the case against the absconding accused persons and to proceed with C.C.No.250 of 2011 and dispose of the same in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of the order.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 04-04-2016

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