

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15598 OF 2016

ORDER:

This criminal petition, under Section 482 Cr.P.C., is filed to quash the docket order dated 06.10.2016 in C.C. No.287 of 2016 passed by the II Additional Judicial Magistrate of First Class, Huzurabad, issuing summons to A.2 to A.4 and NBW to A.5.

It is the case of the petitioner that himself and A.2 to A.4 approached this Court by filing CrI.P.No.13489 and 13144 of 2016. In both the petitions, this Court directed the investigating agency to proceed with the investigation. However shall not arrest the petitioner/ A.5 till investigation is completed and charge sheet is filed (vide order in Cr.P. No.13489 of 2015). Whereas in CrI.P. No.13144 of 2016, directing A.2 to A.4 to appear before the investigating agency as and when required during the course of investigation and to cooperate with the investigating agency for early completion of investigation, while directing the investigating agency not to arrest them till completion of investigation and charge sheet is filed. A.2 to A.4 as one set and A.5 as another obtained permission from the court against the arrest by the investigating agency in connection with the crime till filing charge sheet only. But conveniently, the police completed investigation and filed charge sheet and in the last paragraph of the charge sheet, a specific allegation is made that A.5 Annamaneni Sudhaker Rao is absconding and his whereabouts are not known and requested

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this court to issue NBW and issue summons to A.2 to A.4 for facing trial.

But the allegations on the face of it false, in view of the order passed by this court in CrI.P. No.13489 of 2016, when serious allegations made to A.2 to A.4 along with A.5, adopting double standards, one standard to A.2 to A.4 and the other standard to A.5 by the police and accepting such request by the Court is nothing but adopting double standard to persons who are similarly placed.

Therefore, I deem it appropriate to direct the Judicial Magistrate of First Class, Huzurabad, to issue summons to A.5 on par with A.2 to A.4 in C.C. No.287 of 2016 recalling NBW issued against A.5.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 02.11.2016
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