

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.10888 of 2016

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused seeking to quash C.C.No.939 of 2003 on the file of III-Metropolitan Magistrate, Visakhapatnam, for the offence under Section 498-A r/w. 156 (3) of IPC.

Heard learned counsel for petitioners and the learned Public Prosecutor and perused the material available on record.

On 26.07.2016, this Court directed the Registry to call for a report from the Court below with regard to the status of C.C.No.939 of 2003. After having obtained report of the trial Court, what is noticed is that as the accused did not make appearance since 2003 though summons were issued, the Court issued warrants against them. The present stage of the case is that on 01.07.2016, all the accused were present and were examined under Section 239 Cr.P.C. and posted to 19.07.2016, on which date, summons were issued to LW-1. As the said summons were not served, fresh summons were issued, directing the same to be served through ACP concerned, returnable by 28.07.2016.

From the above report, it is evident that the Court below has taken the precaution of sending summons through ACP in view of the fact that the case is pending from 2003. In that view of the matter, this criminal petition is disposed of, directing the learned Magistrate to expedite hearing of C.C.No.939 of 2003 and see that the case is disposed of positively within six months, without seeking further extension of time. Pending miscellaneous applications, if any, shall stand closed.

1st September 2016
ajr

M.S.K.JAISWAL, J