

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2054 of 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the proceedings in Spl.S.C.No.38 of 2013 on the file of the VI Additional Metropolitan Sessions Judge-cum-Special S.C. & S.T. Prevention of Atrocities Act, Secunderabad. Admittedly, the petitioner is not shown as an accused in the above proceedings.

After arguing for some time, the learned counsel for the petitioner submitted that the petitioner is ready to face the trial. The Respondent – Investigation Agency filed final report showing the petitioner as absconding after completion of the investigation, but it is the case of the petitioner that he is working in the judicial department. He never flees from the hands of justice and he is not absconding also. Since because such a charge-sheet is filed, now he is facing problem, since he could not appear before the Court for trial purpose.

This Court perused the records. The charge-sheet filed by the Respondent clearly indicates that they have completed the investigation and also it reveals the role of the petitioner in the crime, but unfortunately when a prayer is made by the investigation agency for issuance of N.B.W. against the present petitioner, the same was subsequently struck off and the

learned committal Court taken cognisance only against other accused persons and the petitioner is shown as absconding person. It is also informed by the learned counsel that the trial is in progress and some of the witnesses also examined.

Considering the said facts and circumstances, the petitioner herein is directed to appear before the committal court where originally the charge-sheet was filed against other accused and file an affidavit before the Court informing that he is ready to face the trial in Spl.S.C.No.38 of 2013. On such application, the trial Court is directed to commit the accused to the Court of Sessions and the Sessions Court is also directed to proceed with trial against the petitioner also.

It is informed by the learned counsel for the petitioner that the petitioner will not challenge subsequently, since the cognisance is not taken by the trial Court and he will not challenge the committal proceedings also, since it is his endeavour to face the trial and to prove his innocence.

On committal to the Court of sessions, the Sessions Judge is directed to proceed with the case from the stage where the case is pending against the other accused. If the accused herein is constrained to examine any of the witnesses, he can file a fresh application. On such application, the Sessions Judge is directed to decide the matter in accordance with law. On appearance before the committal court, the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only) with one surety for a like sum for his future appearance before the Sessions Court. The

surrender of the petitioner should be accepted in Crime No.269 of 2012 and he should be committed to the Court for trial purposes.

The Criminal Petition is disposed of accordingly.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand dismissed.

RAJA ELANGO, J.

19-02-2016

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