

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

Criminal Petition No.12895 of 2016

ORDER:

This Criminal Petition is filed by petitioner/complainant under Section 482 Cr.P.C. seeking direction to the Principal Judicial First Class Magistrate, Mahabubabad, Warangal District, to dispose of C.C.No.165 of 2012 in accordance with law without reference to the order passed by this Court in CrI.P.No.590 of 2015 dated 10.02.2015.

Heard and perused the material available on record.

Advocate for petitioner submitted that petitioner filed complaint under Section 138 of N.I.Act before Judicial First Class Magistrate, Mahabubabad, which is registered as C.C.No.165 of 2012 and respondent No.2 herein, who is accused, filed a petition to discharge and having unsuccessful, she preferred CrI.P.No.590 of 2015 under Section 482 Cr.P.C. and this Court on 10.02.2015, made the following order:

“Petitioner is permitted to take out personal notice on respondent No.2.

For filing proof of service by 09-03-2015.

The appearance of the petitioner/Accused in CC.No.165 of 2012 on the file of Principal Judicial First Class Magistrate, Mahabubabad, Warangal District, is dispensed with until further orders.”

The grievance of the petitioner/complainant is that though this Court granted order of dispensing with the presence of accused, the learned Magistrate has not proceeded with the trial and not taking steps even in C.C.No.165 of 2012 on the ground that the matter is pending before this Court.

In that view of the matter, the learned Magistrate is directed to proceed with the trial without insisting the presence of respondent No.2/accused, which relief was already granted by this Court in Crl.P.No.590 of 2015 dated 10.02.2015.

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

M.S.K.JAISWAL, J

12th September 2016
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