

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.2946 and 8395 of 2014

COMMON ORDER :

Out of 7 accused of PRC No.38 of 2013 on the file of Additional Judicial First Class Magistrate, Amalapuram, accused Nos.1 to 3 and 5 to 7 filed the Criminal Petition No.2946 of 2014 and accused No.4 filed the Criminal Petition No.8395 of 2014 to quash the proceedings in CCSR No.1763 of 2013 on the file of Additional Judicial First Class Magistrate, Amalapuram, which is outcome of the protest application of the 2nd respondent/ defacto complainant that was taken cognizance as a private complaint procedure adopted by the learned Magistrate and issued summons to the accused while directing the Registry to allot PRC number vide cognizance order of the learned Magistrate dated 26.11.2013.

2) The factual background, necessary to mention, is that the defacto complainant is one Donga Sandhya Rekha, no other than wife of the accused No.1 by name Donga Jeshu Pani, that accused No.2 by name Donga Rama Satyanarayana Murthy, is her father-in-law, accused No.3 by name Manga Raju is her mother-in-law, accused No.4 by name Donga Neeladri Pani, is brother of her husband, who is resident of USA, accused Nos.5 & 6 Donga Kedareswara Rao and Donga Nageswara Rao are brothers of her father-in-law and accused No.7 by name Donga Nagamani is claimed as concubine of accused No.2 supra. The marriage of de facto complainant/ respondent No.2 was performed with accused No.1 undisputedly on 14.11.2010 at her in-law's house of P.Gannavaram Village and Mandal, East Godavari District.

3) According to the written report of the defacto complainant, dated 23.02.2012 to the Sub-Inspector of Police, Amalapuram Town Police Station showing her address as resident of Suryanagar, Amalapuram Town, East Godavari District, marking copies to the Superintendent of Police, Kakinada etc., she is working as medical

Officer in Neropathy Department in Primary Health Centre, Uppalaguptam near Amalapuram on contract basis, her husband passed engineering degree, that at the time of marriage, her parents given Rs.10 lakhs towards dowry to her husband pursuant to the demand of her in-laws and also presented bracelet of 2 sovereigns, chain of 1 sovereign, ring of 1 sovereign to her husband besides 3 tulas of chian, 6 tulas of gold earrings, 3 tulas of anklets and ½ tula ring and ½ tula neck chain to her, totally 13 tulas and Rs.9,000/- also given to her father-in-law's brother's daughter towards adapadachu katnam and the marriage was also registered before sub-registrar; that after marriage she joined her husband at her in-law's house and stayed for one month and at that time her parents further presented household articles worth Rs.10,000/-, that after one month her husband shifted the family to Hyderabad on employment purpose and secured rental house near to the house of her husband's paternal uncle—Donga Kedareshwara Rao (accused No.5) of Ramanthapur, where they stayed amicably for hardly four days and later her husband and said accused No.5 also by supporting her husband started harassing her for the additional dowry of Rs.2 lakhs and thereafter her husband sent her to his parents house as she was temporarily working on contract basis in PHC, Uppalguptam and she was attending the job from her in-law's place only, whereas her husband was lonely staying at Hyderabad and coming now and then, that they were taking her monthly salaries for investment in the finance business doing by her husband and father-in-law. She further avers that her in-law's and her husband harassed for additional dowry of Rs.2 lakhs from her parents even by beating and abusing in filthy language and they removed the servant maid and made the de facto complainant to work as a slave in the house without even providing proper food in aggravating the harassment.

4) She further averred that her husband's elder brother Donga Neeladri Pani, who came from USA in November, 2010 and stayed upto December, 2010 was also demanding her to meet the demand for additional dowry. It is her say, therefrom, that said persons were giving warnings to sent out from the house, unless she fulfill their demands to

meet the additional dowry from her parents. It is her further say that accused No.2, who is her father-in-law on one night caught hold of her hand and demanded to fulfill his sexual desire in the absence of her husband. She then escaped from his hands and got shelter at her mother-in-law and even though she informed the same to her husband over phone, he simply advised to stay there and failed to give response properly and her father-in-law (accused No.2) started harassing heavily as she complained against him to her husband. Thereafter, her husband informed that he was going to try job in IBM company and to give all her monthly salaries to her in-laws. After completion of his training, even he came to her in-law's place there also not jointed hands and demanding her for additional dowry with a threat to send her out and her father-in-law's brother (Donga Nageswara Rao—Accused No.6) also joined hands in said demand, who is liquor syndicate and involved in several criminal cases. It is further averred that her-in-law (accused No.2) have illegal contacts with A7 by keeping her at Munganda Village and her father-in-law warned her to do service to said Nagamani—accused No.7 also else to face consequences and said accused No.7 used to abuse her by supporting her in-laws in giving pressures to bring additional dowry. Her father-in-law even pressured her to take said Nagamani to KIMS hospital for treatment. Unable to bear with their torture she informed the same to her parents, who provided Rs.20,000/- once and again on 16.08.2011 provided Rs.10,000/- to her husband, but still they having not satisfied started demanding to meet remaining amount of Rs.2 lakhs. While so, with that demand and by raising an altercation her father-in-law (A2) beat her with stick on 25.08.2011 and sent her from the house to return with additional dowry balance amount and thereafter with no go, she went to her parent's house and her parents brought her to her in law's house and requested her husband to take care of her welfare; however, all the accused did not have any change and started ill treating her as usual.

5) It is her further averment that her in-law's taken her entire gold ornaments and finally on 01.09.2011 on Vinayachavithi day, her

father-in-law (accused No.2) tufted her hair and slapped her on cheek and abused her in filthy language and warned her that they would arrange for divorce from her husband and perform him another marriage and her mother-in-law i.e., Smt.Mangaraju (accused No.3) also abused her in filthy language. Having no other go, she came to her parent's house and informed all the things. Her parents made all efforts to protect her martial life but those persons did not heed and therefrom, she sent legal notices to her husband and in laws. While so, in January, 2012 prior to Sankranti festival, accused No.7 came to the office of defacto complainant at Uppalaguptam and raised a quarrel in connection with the additional demands of dowry to be paid and on 21.02.2012, her husband called her over phone and abused in filthy language for not paying balance of additional dowry saying unless it is to be meted they will see her end, hence to take action.

6) From the FIR, so far as her father in law's two brothers (accused Nos.5 and 6) and her husband's brother (accused No.4) is concerned, accused No.4—D.N.Pani a resident of USA, claimed came to P.Gannavaram in November, 2010 and in that stay of December, 2010 he also made a demand to meet additional dowry. That is the only stray sentence against accused No.4. Equally so far as her father-in-law's two brothers (Accused Nos.5 and 6) are concerned, in saying after her husband setup family in a rented house at Ramanthapur, which is near to her father in law's brother—accused No.5's house, there accused No.5 also demanded additional dowry along with her husband. That is the only sentence against accused No.5 concerned. So far as accused No.6 in saying he is doing liquor business and involved in several cases also joined hands with other accused in demanding her to meet additional dowry. That is the stray allegation against accused No.6. So far as accused Nos.1 and 2 concerned, there are wild allegations particularly against accused No.2 also for outraging her modesty by caught hold of her hands in a night by compelling her to fulfill his sexual desire taking advantage of absence of her husband who was staying at Hyderabad and when she was staying at her in-law's house and even her husband

was informed through phone he did not properly respond to say also perpetrator to the acts of her father-in-law by her husband therefrom her in-laws aggravated his ill-treatment and again on 01.09.2011 her father-in-law tufted her hair and slapped her on the cheek and abused in filthy and her mother-in-law (accused No.3) also ill-treated and they have thrown her out of the house. According to her, her parent's place is Surayanagar, Amalapuram, East Godavari District. The marriage was performed at P.Gannavaram Village near Amalapuram and the ill treatment she meted is at P.Gannavaram Village and the additional demands meted by her while going to her parents house and her husband while staying at Hyderabad also ill treated. The crime was registered for the offences punishable under Section 498-A IPC against all accused, Sections 423 and 424 IPC against her husband and father-in-law and Section 506 IPC against her husband and father-in-law and Section 379 IPC of her husband, father-in-law and mother-in-law taken away all her gold jewellery on that day while sending her out and Section 354 IPC against her husband and Section 354 r/w 109 IPC is not registered against her husband but for also under Sections 3 and 4 of D.P Act against all.

7) As referred supra, from the FIR registered against seven accused, there are no worth allegations including for the offences under Section 498-A IPC and Sections 3 & 4 of D.P. Act so far as accused Nos.4, 5 and 6 are concerned but for accused Nos.1 and 2 mainly and along with other accused Nos.3 and 7, the police after investigation by examination of as many as 22 witnesses, filed charge sheet, only against accused Nos.1 to 3 that too for the offences only under Section 498-A r/w 34 IPC and Sections 3 & 4 of D.P Act in the above crime No.46 of 2012 of Amalapuram Town police Station. The other accused Nos.4 to 7 were not charged for any offence and even accused Nos.1 to 3 not charged particularly accused No.2 either for the offence under Section 354 IPC even made out from the very report or the offence under Section 379 IPC or 323, 324 IPC or 506 IPC.

8) Among 22 witnesses cited in the charge sheet, LW.1 is the defacto complainant, LWs.2 and 3 are her parents, LWs.4 & 5 are her maternal aunt and husband of maternal aunt. LW.6 is a friend of father of LW.2, LW.7 is an advocate, one Dommeti Nageswara Rao, aged about 80 years shown as elder, LWs.8 to 11 are the neighbours to the accused, LWs.12 and 13 are shown as also the elders on behalf of accused, LWs.14 to 16 are colleagues of the defacto complainant, LW.17 is house owner of accused No.1 and LWs.18 and 19 are co-tenants of the house at Hyderabad, LW.20 is the branch manager of ICICI Bank, Amalapuram and LW.21 Medical officer of area hospital, Amalapuram. After completion of the investigation, LW.22—Sub-inspector of Police filed final report.

9) A reading of police final report/ charge sheet speaks that de facto complainant is native of Amalapuram Town and she is the only daughter of LWs.2 and 3 besides she has two brothers i.e., LWs.2 and 3 are advocates and de facto complainant—LW.1 is working in Naturopathi Department of Primary Health Center, Uppalaguptam on contract basis and accused No.2 is no other than the brother of LW.3 i.e., mother's brother of defacto complainant. LWs.2 and 3 performed the marriage of LW.1 with accused No.1 on 14.11.2010 at P.Gannavaram Village. At the time of marriage, they were given Rs.10 lakhs towards dowry apart from Rs.9,000/- towards adapadachu katnam to cousins of accused No.1 besides gold ornaments weighing about 4 sovereigns presented to accused No.1 and 13 sovereigns presented to de facto complainant by her parents. Immediately after the marriage, LWs.2 and 3 sent LW.1 to the house of accused No.1 at P.Gannavaram Village along with sare samans and stayed for one month there and later accused No.1 took the defacto complainant to Hyderabad and setup family at rented portion in the house of LW.17—Server Venkayya at Ramanthapur, Hyderabad for job trials and de facto complainant stayed there for four days only and later returned back to her in laws house i.e., accused Nos.2 and 3 at P.Gannavaram Village as her leave was exhausted, to attend the duty at PHC, Uppalaguptam and she was travelling from P.Gannavaram Village

to Uppalaguptam daily from her in-law's place to attend the office and husband used to go from Hyderabad to P.Gannavaram Village frequently. Accused No.1 used to take her salary for his needs and harassing her to bring additional dowry of Rs.2 lakhs from her parents at the instigation of his parents accused Nos.2 and 3 among others and after two months de facto complainant went away to the parents house, used to go to parents house when accused No.1 visited the house and go away to the house of her parents after the departure of her husband.

10) Charge sheet further speaks the investigation discloses the disputes arose between accused Nos.1 to 3 and sent her out of their house on 28.08.2011 and her parents took her to the house of her-in-law's house and requested accused Nos.1 to 3 to treat her property and left her there. However, accused Nos.1 to 3 continued to harass her and finally on 01.09.2011, the accused Nos.1 to 3 necked her out of their house and since then she is residing at Amalapuram at her parents place it is stated in the FIR last but one para. Further the charge sheet shows from the investigation that FIR and the statement of de facto complainant —LW.1 shows her parents given huge amount as dowry to accused and her brother-in-law Donga Nelladri Pani, USA, her junior father in law Donga Kedareshwara Rao of Hyderabad and Donga Nageswara Rao of P.Gannavaram Village and Donga Nagamani, who is the concubine of accused No.2 also harassed her for additional dowry, the accused No.7 beaten her, squeezed her gold ornaments and necked her out of their house. However, as per charge sheet from the investigation, the allegations against accused No.4 and two brothers of accused No.2 (accused Nos.5 & 6) and concubine of the accused No.2 i.e., accused No.7 are not established and there is no evidence for the alleged offence under Sections 323, 324, 379, 506 and 354 IPC and thereby the names of the accused Nos.4, 5 and 6 are deleted from the list of accused as per proceeding of SDPO, Amalapuram vide C.No.94/SDPO-A/2012, dated 29.11.2012. Accused No.7 of FIR not shown in filing charge sheet. It is therefrom filed the final report only against accused Nos.1 to 3 for the offence under 498-A r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition

Act.

11) In fact when the same FIR as referred supra contends the wild allegations against accused No.2, who outraged the modesty of the defacto complainant and also beat her which acts are attracting the offences punishable under Sections 354 and 323 IPC and also stated beat with stick if not under Section 324 IPC if at all not disclosed from investigation as a deadly weapon atleast under Section 323 IPC and there are threatening abuses to do away which also attracts the offence punishable Section 506 IPC; it is not fair on the part of Investigation Officer in saying any of the offences are not attracted so also as the offence under Section 379 IPC for all the gold ornaments of her were looted by them while sending her out by retaining the same.

12) No doubt, so far as accused Nos.4, 5 and 6 are concerned from the FIR there is no offence made out and the Investigating Officer from the final report shows no offence made out. However, in the charge sheet last but one para to say, the proceedings of SDPO deleted the names of accused Nos.4 to 7, there is nothing shown and even to other Sections 323, 324, 329, 506 and 354 IPC and even against accused Nos.1 to 3 and accused No.7 there is nothing shown all proceedings of SDPO not even filed as part of charge sheet though referred as proceedings of SDPO, Amalapuram vide CN.94/SDPO-A/2012 dated 29.11.2012, which is the investigation by the Sub-inspector of police and not by DSP but for any superior officer's verification of the investigation. Thus suffice to say the investigation is not fairly done. It is in this background, the learned Magistrate to the extent the material supports can do as held by the constitution bench of the Apex Court in ***Dharampal vs State of Maharashtra***^[1] resolving the conflicting expressions earlier in this regard, that even by differing with the police opinion of no cognizable offence against all or any of the accused, can take cognizance for any of the offences not charged. The learned Magistrate from the police final report with part-II investigation material by applying the judicial mind when can arrive an independent conclusion from the

expression dharmpal supra, if at all even to take cognizance against others not charged or for other offences not shown even if the material makes out the case.

13) It is needless to say from this proposition and from the powers of the learned Magistrate under Section 190 Cr.P.C with reference to the police final report charging some and not charging some and even not charged that is charged for many of the offences, from the protest application filed by the defacto complainant, the learned Magistrate can either direct for further investigation or can take cognizance from the police final report by its perusal with reference to the contentions raised in the protest application if any and even otherwise proceed on the protest application as a private complaint from the procedure contemplated by Sections 200 to 204 r/w 190 Cr.P.C. Needless to say also by verification of the police final report and part-II case diary with reference to the protest application and other material if any placed with and in the sworn statements. It is in this background of law and facts supra, the learned Magistrate considered the protest application of the defacto complainant, recorded the sworn statements of the defacto complainant and her parents and one S.Lakshmi kantha and one Rama Lingeswara Rao, who are marriage elders as LWs.1 to 5 and by referring to police final report material on which the protest raised to the extent indicated above and with reference to the entire material on record taken cognizance against all the accused Nos.1 to 7 for all the offences mentioned in the original FIR No.46 of 2012. However, coming to correctness of the cognizance order of the Magistrate on facts concerned, it is to say on the police final report filed only against accused Nos.1 to 3 under Sections 498-A r/w 34 IPC and Sections 3 & 4 of D.P.Act that was not taken to charge other accused; in view of protest application filed meantime taken cognizance by the Magistrate with reference to protest application and sworn statements recorded pursuant to original report and the police investigation and final report in so taking cognizance vide order of the learned Magistrate dated 26.11.2013 in CCSR No.1763 of 2013. It is needless to say from the record as to even

earlier with police final report cognizance taken against accused Nos.1 to 3 for the offences under Sections 498-A r/w 34 IPC and Sections 3 & 4 of D.P Act. The subsequent cognizance on the protest application as a private complaint procedure taken by the Magistrate for both to be tried together within the purview of 210 Cr.P.C. However, it appears as per the record there is only one case covered by the cognizance taken by the Magistrate in CCSR No.1763 of 2013 from the entire material on 26.11.2013 with a direction to allot PRC number and in allotting PRC No.38 of 2013.

14) The learned Magistrate's order running in three pages in taking cognizance, no doubt, so far as accused Nos.4, 5 and 6 are concerned, in specifying generally in taking cognizance for the offences, no doubt, the learned Magistrate did not specify which offences attracts against which of the accused in taking cognizance. It is needless to say from the material discussed supra at length so far as accused Nos.1 to 3 and 7 are concerned, the offence under Section 498-A r/w 34 IPC and Sections 3 & 4 of D.P Act as in the FIR say there are specific allegations also against accused No.7 IPC as alleged that she joined hands with others in harassing and also went to the office of the defacto complainant and there altercated with the demand for additional dowry at the instance of other accused, particularly accused Nos.1 and 2.

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15) In so far as offence under Section 354 IPC against accused, as far as accused No.2 for the offence under Section 354 IPC and against accused No.1 for the offence under Section 354 IPC r/w 109 IPC it makes out to take cognizance for even informed by defacto complainant to accused No.1 about the conduct of his father in outraging her modesty, he did not respond to question his father or to protect her interest by directing only to stay at the house of his father, who had an evil eye against her in his absence in compelling to fulfill his sexual desire by her, though it is the duty of the 1st accused, being husband of the victim, if not chosen to report to police, at least to protect her from the evil acts of his father. So far as accused No.3 is concerned, there is nothing to show as

the very report shows she was rescued by accused No.3 from the evil acts of outraging modesty of defacto complainant from accused No.2. So far as accused No.7 is concerned she is residing at Munganda Village as from the very report and was not a privy to the occurrence of accused No.2 against the defacto complainant of outraging modesty. Thus, it attracts against accused Nos.1 and 2.

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16) So far as the offence under Section 506 IPC concerned, which is against accused Nos.1 and 2 that attracts and not against accused Nos.3 and 7 for no specific averments.

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17) So far as the offence under Section 379 IPC concerned, it is against accused Nos.1 to 3 that attract from the averments.

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18) Now, from this background so far as petitioner/ accused No.4, who is the quash petitioner in CrI.P. No.8394 of 2014 concerned, the Criminal petition is to be allowed for nothing to take cognizance for any offence against him for any worth allegations but for a stray sentence hardly to believe that he is visited to India in November/ December, 2010 of stay for few days i.e., hardly one month he also demanded along with others for additional dowry but for that there is nothing more and at the cost of reputation even against accused Nos.5 and 6; for accused No.5 allegedly while her four days stay at Ramanthapur, Hyderabad with her husband in a rented house from A5's house nearby also demanded that is also hardly believable. So also for A6, who is resident of P.Gannavaram Village nearby house of her in laws in saying she also joined hands for no more worth allegations to rope him. Thus, there is no case against accused Nos.4, 5 who are petitioners 4 and 5 in CrI.P. No.2946 of 2014 and accused No.6, who is sole petitioner in CrI.P. No.8395 of 2014 and thereby to that extent the Criminal Petitions are liable to be allowed.

19) So far as accused Nos.1, 2, 3 and 7 concerned, who are quash petitioners 1 to 3 and 6 of CrI.P. No.2946 of 2014 as described supra, the offence under 354 IPC only attracts against accused No.2

besides against accused No.2 besides against accused No.1 read with Section 109 IPC nothing against others, for Magistrate to take cognizance against all. It is the contention of the learned counsel for the petitioners that the learned Magistrate committed an error in directing to allot PRC number for none of the offences are triable by Court of Sessions but for to take cognizance and proceed as calendar case. In fact, this Court in the expression covered by Nallajerla Murali Krishna vs State of Telangana in CrI.P. No.9567 of 2014 dated 09.10.2014 categorically held with reference to amendment to Section 354 IPC (after Criminal Law Amendment Act, 13 of 2013 which came into force) w.e.f., 03.02.2013 with consequential amendment in the schedule-I Cr.P.C is still a non-compoundable offence and triable by Court of Sessions and whether the parties are entitled to the benefit to the compounding of crimes occurred the time prior to the amendment came into force and the punishment provided is not exceeding five years by amending the original Section 354 IPC upto two years or fine even there is an A.P. Amendment to the Section with effect from 01.04.1991 by Act 6/ 1991 with assent of President and equally to schedule (1) of Cr.P.C by A.P. Amendment Act 3/ 1992 w.e.f 15.12.1992 of cognizable and non-bailable offence, non-compoundable and Tribunal by Court of Sessions, in view of the subsequent central amendment w.e.f., 03.02.2013, the A.P Amendment seizes its force for central amendment prevails over the said amendment. However, the fact remains the occurrence of the offence under Section 354 IPC is prior to 03.02.2013. Thus it is to be triable before court of Sessions as the very expression in Nallajerla Murali Krishna supra it is categorically answered that accused has no procedural constitutional safeguard but for on sentence to get benefit of the amendment Act to the acts even prior to the amendment Act came into force with punishments of severity to keep benefit of lesser punishment by subsequent legislation under Article 20 of Constitution of India. Having regard to the above, such a benefit in the sentence to be considered is in the event of conviction with sentence provided for the offence as per later amendment under Section 354 IPC not less than one

year upto 5 years that otherwise as per earlier A.P.Amendment Act is upto 7 years and subject to giving of reasons to impose lesser punishment. Thus, it is premature to go into that but for to say such a concession in future available if at all to seek to consider with reference to merits.

20) The next contention is for want of jurisdiction to the learned Magistrate at Amalapuram from the material on record of no part of cause of action under Section 178 Cr.P.C even taken the place at Amalapuram. No doubt, from averments there is nothing shown any Act committed as part of cause of action at Amalapuram within the jurisdiction of the learned Additional Judicial First Class Magistrate, Amalapuram as most of the occurrence is at P.Gannavaram Village, which is within the jurisdiction of Judicial First Class Magistrate at Kothapet of Razole Sessions Division. When such is the case, from that alone the proceedings are not liable to be quashed as even if it is at the instance of accused under Section 191 Cr.P.C or under Section 192 (2) Cr.P.C, the Chief Judicial Magistrate of E.G District at Rajahmundry can make over the case by withdrawing from the file of the learned Judicial First Class Magistrate, Amalapuram to the competent Magistrate at Kothapet as the case may be to proceed with the committal proceedings under Section 209 Cr.P.C.

21) Having regard to the above, while allowing the CrI.P.No.8395 of 2014 in toto so far as accused No.4 is concerned, and equally allowing the CrI.P. No.2946 of 2014 in part by quashing the proceedings against accused Nos.5 and 6 are concerned; however, in so far as accused Nos.1, 3 and 7 concerned by specifying that out of the offences that were taken cognizance by the learned Magistrate from the police final report and protest application in CC SR No.1763 of 2013 dated 26.11.2013, to the fact that the offences under Section 498-A IPC r/w 34 IPC and Sections 3 & 4 of D.P Act applies against A1 to A3 and the offence under Sections 3 & 4 of D.P. Act against A7 and the offences under Sections 323 and 506 IPC against accused No.2 and the offence

under Section 354 against accused No.2 and the offence under Section 354 IPC r/w 109 IPC against accused No.1 and the offence under Section 379 IPC against accused Nos.2 and 3 and against accused No.1 under Section 379 r/w 109 IPC. There are no other offences that attracts. It is needless to say but for the incident of accused No.7 at the office of complainant created scene with additional dowry demand and any mediation at Amalapuram, most of the allegations of the occurrence are at P.Gannavaram Village at in-law's place of the defacto complainant within the jurisdiction of the learned Magistrate at Kothapet and the learned Magistrate, Amalapuram have if not before, atleast after taken cognizance of the offences could have been submitted the PRC proceedings to the Chief Judicial Magistrate of the District to proceed under Section 192 Cr.P.C though the investigation no way impaired from the saving by Section 156 (2) Cr.P.C and the same even on that ground to give importance shown no way cause prejudice to the accused persons at this stage the learned counsel for Accused Nos.1 to 3 and 7 submitted to transfer the committal proceedings to the JFCM, Kothapet under Sections 407 and 482 Cr.P.C instead of their filing memo under Section 191 Cr.P.C before the learned Magistrate at Amalapuram for doing so.

22) Having regard to the above, by virtue of this order the learned Magistrate, Amalapuram is directed to make over the PRC proceedings to the learned Magistrate, Kothapet to allot fresh PRC number by the learned Magistrate, Kothapet and thereto proceed according to law to commit the case to the Court of Sessions in the sessions Division at Rajahmundry to take cognizance u/s 193 Cr.P.C and to make over by allotting sessions case number to the learned Assistant Sessions Judge, Kothapet by virtue of this order in so far as the respective petitioners, who are accused Nos.1 to 3 and 7 concerned for the respective offences supra.

23) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:01.02.2016
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date:01.02.2016

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