

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11728 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/accused seeking to quash the order, dated 04-05-2016 in P.R.C.No.17 of 2016 on the file of the Court of the Judicial First Class Magistrate, Jangareddygudem, West Godavari District to the extent of issuing the N.B.W. against the petitioner herein.

By the impugned order the learned Magistrate has converted C.C.No.947 of 2012 into P.R.C. and re-registered the same as P.R.C.No.17 of 2016. The said conversion was necessitated in view of the fact that offence alleged is triable by Special Sessions Court. To that extent the petitioner has no grievance. However, having converted the C.C. into P.R.C., after nearly three years of its pendency, the learned Magistrate directed issuance of warrant to the accused, instead of summons. This step taken by the learned Magistrate is challenged by the petitioner.

Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor and perused the material available on record.

Considering the facts and circumstances, the Criminal Petition is disposed of directing the petitioner – accused to

appear before the learned Judicial Magistrate of First Class, Jangareddygudem and file petition under Section 70(2) Cr.P.C. within fifteen days from today and on filing of such petition, the learned Magistrate shall allow the petition on the same day subject to petitioner-accused executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the said Magistrate and giving undertaking that she will appear before the Special Court as and when summons are received by her from the Special Court after case is committed.

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

JUSTICE M.S.K.JAISWAL

10.08.2016

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