

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2099 OF 2016

ORDER:

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This criminal petition, under Section 482 Cr.P.C., is filed by the petitioner seeking a direction to the X Metropolitan Magistrate, Cyberabad, Malkajgiri to dispose of DVC No.16 of 2015 on day to day basis if not as early as possible by fixing up time period.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the respondents obtained an order from this Court in CrI.P. No.12125 of 2015, dated 20.11.2015, dispensing with their presence before the Court below, except on the dates on which the learned trial Judge insists for their appearance, and that taking advantage of the said order, the respondents failed to appear before the Court below even after the trial Court insisted for their appearance. He also produced certified copies of the docket orders, which clearly indicates that even after repeated reminders, the respondents failed to appear before the trial Court.

As rightly pointed out by the learned out by the learned counsel for the petitioner the respondents are misusing the order passed by this Court and they are not attending the trial Court for adjudication of the case. Hence, this Court is inclined to pass the following order:

The learned X Metropolitan Magistrate is directed to fix a date for the appearance of the respondents in DVC No.16 of 2015. If the respondents fail to appear before the trial Court on the date so fixed by it, the trial Court is directed to insist the presence of the respondents on every date of hearing. In spite of passing of the present order, even if the respondents failed to appear before the trial Court, the trial Court is at liberty to proceed further in accordance with law for securing the appearance of the respondents.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 19, 2016.
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