

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3759 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/complainant seeking to quash the docket order, dated 3.2.2016, in S.C.No.549 of 2011 on the file of the V Additional Metropolitan Sessions Judge (Mahila Court) at Hyderabad.

2. Heard and perused the material available on record.

3. Case of the petitioner is that she is the complainant in S.C.No.549 of 2011 on the file of the V Additional Metropolitan Sessions Judge (Mahila Court) at Hyderabad. On a complaint given by her, W.P.S., C.C.S., registered a crime against respondent Nos.2 to 4/A-1 to A-3 for the offences punishable under Sections 498-A, 354 and 506 I.P.C. and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961. She was examined in chief as P.W.1. Later, as she lost faith in justice, she did not appear before the Court below on the date of hearing. Hence, the Court below issued non-bailable warrant against the petitioner.

4. Considering the facts and circumstances of the case, this Court is of the view that even though the petitioner was absent before the Court below, the Court below ought to have given bailable warrant instead of non-bailable warrant. Hence, the non-bailable warrant issued by the Court below against the petitioner is hereby recalled. The trial Court is directed to issue summons to the petitioner for her appearance and on receipt of summons from the Court below, the petitioner/complainant shall appear before the Court below and subject herself for cross examination.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

22.3.2016

AMD

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Date: 22.3.2016

AMD