

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.15952 OF 2016

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in C.C.No.752 of 2005 on the file of Court of II Additional Judicial First Class Magistrate at Bhimavaram, West Godavari District on the ground that the case is pending since 2005 due to non appearance of the complainant.

Delay is not a ground to quash the proceedings as held by this Court in "**M.Yadagiri Goud v. Inspector of Police, Anti Corruption Bureau, Hyderabad Range**"¹ and also held by the Apex Court in "**Ranjan Dweivedi v. C.B.I., through the Director General**"².

However, taking into consideration of the law declared by this Court and the Apex Court in the above said judgments, it is appropriate to issue necessary direction to the concerned Magistrate to decide the case as per law as expeditiously as possible preferably within a period of six (6) months from the date of receipt of a copy of this order since the speedy trial is a fundamental right guaranteed to the public under our Constitution.

Accordingly, the petition is disposed of and the II Additional Judicial First Class Magistrate at Bhimavaram, West

¹ 1991 (3) ALT 80

² AIR 2012 SC 3217

Godavari District is directed to dispose of the C.C.No.752 of 2005 as per law as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:21.11.2016
Ksp

