

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO. 3481 OF 2017

ORDER:

This petition is filed under Section 439(1)(b) of the Code of Criminal Procedure to relax the conditions imposed by the II Additional Judicial First Class Magistrate, Tanuku, West Godavari District in CrI.M.P.No.3095 of 2016 in C.C.No.627 of 2016 filed under Section 70(2) of Cr.P.C. to recall the warrant issued against the petitioner.

While allowing the said petition, the learned Magistrate imposed condition that the petitioner shall surrender the passport before the Magistrate and accordingly he surrendered the passport before the Court in compliance of the direction.

It is also brought to the notice of this Court during hearing that this petitioner filed CrI.M.P.No.48 of 2017 under Section 439(1)(b) of the Code of Criminal Procedure to relax the condition and it is pending.

During the pendency of the said petition, the present petition is filed for the same relief. Therefore, prosecuting two parallel proceedings one before the Magistrate and the other before this Court is impermissible for the same relief.

Therefore, I deem it appropriate to direct the II Additional Judicial Magistrate of First Class, Tanuku to decide the CrI.M.P.No.48 of 2017 in C.C.No.627 of 2016 as expeditiously as possible and in any event, not later than one month from the date of receipt of a copy of this order.

With the above direction, the criminal petition is disposed of.

JUSTICE M. SATYANARAYANA MURTHY

Date:28.04.2017
Ccm

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