

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2023 OF 2017

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in C.C. No.648 of 2015 on the file of Additional Judicial First Class Magistrate, Kandukur, which is outcome of crime No.124 of 2015 of Singarayakonda Police Station, registered for the offences punishable under Sections 447, 427 r/w 34 IPC.

The petitioner herein is the accused No.2 in C.C. No.648 of 2015, who is 70 years old, retired employee. After retirement, he settled at Kavali.

The first ground urged before this Court is that on the date of alleged occurrence i.e., 29.05.2015 he was at kavali and he was not there in the village where the incident occurred and thereby, due to differences between the accused No.1 and defacto complainant—2nd respondent, the 2nd respondent lodged the report with the police and falsely implicated him, and thereby requested this Court to quash the proceedings.

At the end of argument, learned counsel for the petitioner informed this Court that the petitioner has attended the trial Court about 48 times during trial but the trial Court did not dispose of the case and that the petitioner has been suffering from heart problem being old aged and requested to pass appropriate orders.

The main grievance of the petitioner is that he is an old man aged more than 70 years, is not in a position to attend the trial Court on every date of adjournment. The C.C is of the year 2015, almost two years have been elapsed after filing charge sheet and it

is difficult for him to attend before the trial Court on every date of adjournment and he attended the trial Court about 48 times but there is no progress in the trial. In view of the in action of the trial Court, the petitioner sought a direction to the Magistrate to dispose of the matter as expeditiously as possible and to dispense with his appearance.

No doubt, speedy justice is a fundamental right under Constitution of India but due to pendency of several matters, the Courts are unable to dispose of the matters as expeditiously as possible. More over taking into consideration of the old age of the petitioner, the trial Court is directed to dispose of the C.C. No.648 of 2015 pending on the file of Additional Judicial Magistrate of First Class, Kandukur, as expeditiously as possible, preferably within four months from the date of receipt of copy of this order, while permitting the petitioner to file an application under Section 205 Cr.P.C or under Rule 37 of Criminal Rules of Practice and Circular Orders of Andhra Pradesh and directing the trial Court to dispose of the application, if any filed, in accordance with law.

With the above direction, the Criminal Petition is disposed of without touching the merits of the case since the matter involves disputed question of fact, which has to be decided only during trial.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:27.12.2017

Note:Issue CC by 02.01.2018

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