

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1315 of 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Petition, 1973, is filed by the petitioner/accused No.2, to quash the proceedings in P.R.C.No.17 of 2016 on the file of the Judicial Magistrate of First Class, Palakol, West Godavari District.

2. Heard the learned counsel for the petitioner/accused No.2, learned Public Prosecutor (Andhra Pradesh) appearing for the 1st respondent-State and perused the record.

3. After arguing for some time, the learned counsel for the petitioner/accused No.2 would submit that the petitioner/accused No.2 is residing at Medak. He has to attend the Court at Palakol, West Godavari District, where P.R.C.No.17 of 2016 is pending. He is being prosecuted for the offence punishable under Section 304-A of I.P.C., and the accused No.1 is being prosecuted for the offence punishable under Section 304 of I.P.C. The Court at Palakol is at a distance of 800 kilometres from his residence. If the personal attendance of the petitioner/accused No.2 before the committal Court is dispensed with, that would be sufficient and convenient to the petitioner/accused No.2.

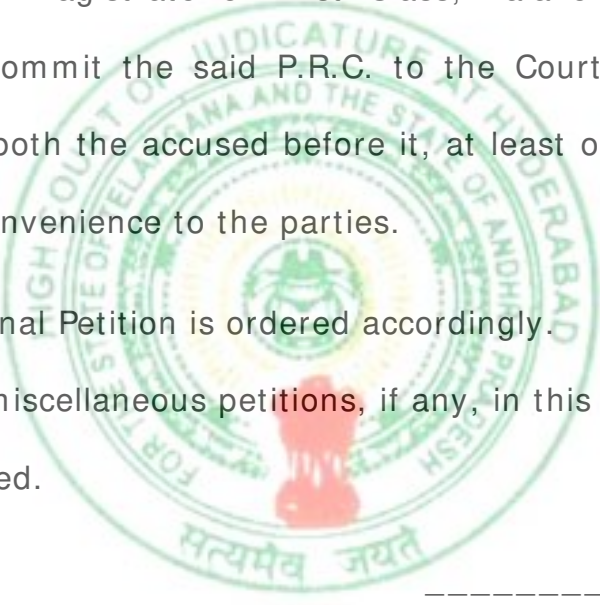
4. As per the material available on record, P.R.C.No.17 of 2016 is coming for committal by the learned Judicial Magistrate of First Class, Palakol, West Godavari District, to the Court of Sessions. There is no point in dispensing with the personal attendance of the petitioner/accused No.2 for an uncertain period. It is brought to the

notice of this Court that the P.R.C. is posted before the Court on 30.10.2017 for committal.

5. In these circumstances, the learned Judicial Magistrate of First Class, Palakol, West Godavari District, is directed to commit P.R.C.No.17 of 2016 to the Court of Sessions as per the procedure established, on appearance of the petitioner/accused No.2 before him, on 30.10.2017. If, for any reason, the said P.R.C. is not committed to the Court of Sessions by the learned Judicial Magistrate of First Class, Palakol, West Godavari District on 30.10.2017, the learned Judicial Magistrate of First Class, Palakol, West Godavari District, shall commit the said P.R.C. to the Court of Sessions, on appearance of both the accused before it, at least on 31.10.2017, so as to avoid inconvenience to the parties.

6. The Criminal Petition is ordered accordingly.

Pending miscellaneous petitions, if any, in this Criminal Petition, shall stand closed.



Dr. SHAMEEM AKTHER, J

25th October, 2017

Note:-

1. The Registry is directed to communicate this order to the Court concerned by Fax within two (02) days from today.

2. Furnish C.C. today.

(B/O)
Bvv