

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9597 OF 2017

ORDER:

Heard learned counsel for the petitioner, who is mistakenly mentioned as accused but in fact, the defacto complainant of C.C.No.698 of 2014, pending on the file of Special Judicial Magistrate of First Class for Prohibition and Excise Cases, Guntur. The 1st respondent is the State – representing by public prosecutor. The calendar case is for the offences punishable under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act, taken cognizance.

2. A1 is representing by A8, as can be seen from the docket proceedings. As the case so far as against A2, A3, A6 and A7 split up from their absconding pending trial another case number is allotted to them in C.C.No.118 of 2016, as can be seen from the docket proceedings of the learned Magistrate dated 08.03.2016 and 18.04.2016 respectively. Besides A1 and A8 supra, A4 and A5 are the other accused facing the trial.

3. It is one of the grievance of the defacto complainant that even the defacto complainant earlier moved the learned District and Sessions Judge by CRP.No.149 of 2015 and there was an order dated 31.12.2015 against the order of the learned Magistrate in CrI.M.P.No.3504 of 2014, in respect of the passport return impugment there was a direction of early disposal of the case long pending including if necessary

by split up the case against any absconding accused, the accused facing the trial supra are taking adjournments even by making round the witnesses many a time without cross-examination and the court obliging with lineancy contrary to the mandate of Section 309 Cr.P.C., though trial is to be conducted day to day and from the expressions of the Apex Court and Circulars of this Court, once witness present court shall not adjourn the case even at the instance of the accused seeking time for cross-examination thereby said recourse adopting by the trial court is contrary to law and give direction to the trial court to complete the trial as early as possible.

4. Having regard to the above, as it is the duty of the trial court to act in letter and spirit in disposal of the case, part heard without giving adjournments merely because that is seeking without substance within the spirit of Section 309 Cr.P.C. and expressions of the Hon'ble Apex Court and Circulars of this Court, the lower court shall preferably conduct the trial day to day and complete the same as early as possible.

5. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

13.10.2017
SS