

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.16572 of 2016

ORDER:

Heard the learned counsel for the petitioners 1 to 3/ respondents of DVC No.58 of 2016 on the file of the VI Addl.Judicial First class Magistrate at Rajahmundry, East Godavari district, which is filed from the report through Protection Officer by the 2nd respondent no other than the wife of the 1st respondent and daughter-in-law of respondents 2 and 3 in DVC for the protection orders u/ sec.17 to 20, 22 to 27 of the Act. Even from the latest expression of the Apex Court placed reliance by the learned counsel for the petitioner of Hiral P Harsora Vs. Kusum Narottamdas Harsora¹ stating as summons procedure that is applicable to a case taken cognizance under DVC proceedings. Once such is the case, as held by this Court in Gaddameedi Nagamani Vs. State of Telangana & Others², even for any order that is prone to appeal, the effective and efficacious remedy available is by maintaining appeal before the appellate Court only u/ sec.29 of the Domestic Violence Act.

In view of the above, the Criminal Petition is disposed of by left open to the petitioners to raise all contentions before the lower appellate Court and with further liberty to file an application for one to represent others under Section 37 of Criminal Rules of Practice, it is for the learned Magistrate to consider and permit. Needless to say, as the petitioners instead of filing an appeal before the Sessions Judge, approached this Court, the appellate Court can entertain the

¹ 2016 10 SCC 165

² 2015 (2) ALD (CrI.) 764

appeal without insisting the limitation period by invoking Section 14 of the Limitation Act. The petitioners to file appeal within one week from the date of receipt of the order. Consequently, miscellaneous petitions, if any shall stand closed.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.08.2017
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