

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.752 of 2017

ORDER:

The present Criminal Petition is filed requesting to quash the proceedings in C.C. No. 194 of 2006 on the file of Judicial Magistrate of First Class, Atmakur, SPSR Nellore District.

2. Petitioners are A1 and A2 to A6 in the above C.C and the offences alleged against are punishable under Sections 379, 511 IPC, under Section 20(2) of Indian Treasure - Trove Act, 1878 and Section 7(1) of Criminal Amendment Act.

3. Heard Sri M. Subba Reddy, learned counsel appearing for petitioners and learned Public Prosecutor for the State of Andhra Pradesh appearing for respondents.

4. Learned counsel appearing for petitioners would submit that petitioners earlier filed Criminal Petition No. 2494 of 2012 for the very same relief sought in this Petition. This Court having granted stay of all further proceedings in Calendar Case initially, till 30th March 2012 but later it was dismissed on 5.6.2014 for non-prosecution. According to learned counsel there is no material worth the name to support the allegations. Learned counsel for the petitioner also submits that this Court, by an order dated 10.10.2006, in Criminal Petition No. 514 of 2006, quashed the proceedings in CC No. 560/04 on the file of II Additional Judicial First Class Magistrate, Nellore, for the offences under Section 379

IPC and under Sections 20 & 21 of (The Indian) Treasure-Trove Act, 1878 and hence requests to pass a similar order.

5. The Calendar Case relates to the year 2006 and more than a decade has been elapsed but neither side is able to show the reasons as to the pendency except to the extent that for some period this Court granted stay.

6. The order referred to by the learned counsel cannot be made applicable to the fact situation occurring herein, but at the most a direction can be given to the Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, where the Calendar Case is pending for disposal by fixing time limit.

7. While observing that it is not a fit case where the proceedings can be quashed, learned Judicial Magistrate of First Class, Atmakur, SPSR Nellore District, is directed to dispose of the Calendar Case, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. It is made clear that the prosecution should not take unnecessary adjournments in producing the witnesses and it is also made clear that the Police concerned shall take effective steps in case warrants are pending against any of the accused to execute them immediately.

8. Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017
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