

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition Nos.8810 and 8837 of 2017

COMMON ORDER :

Heard the learned counsel for the petitioners in both the petitions and the learned Public Prosecutor for the 1st respondent-State.

The petitioners are A.1, A.5 and A.6 respectively of C.C.No.148 of 2013 pending on the file of the Judl.Magistrate of First Class, Tungaturthi of Suryapet District. The learned Magistrate has taken cognizance for the offences punishable u/sec.498-A and 494 IPC and sections 3 and 4 of the Dowry Prohibition Act against the 6 accused, as can be seen from the police final report or the chargesheet filed against the 6 accused which is outcome of Cr.No.8 of 2013 dt.13.02.2013 on the report of the defacto-complainant/ 2nd respondent herein, by not taken cognizance against the other accused among A.1 to A.18 after examination of as many as 17 witnesses including the two investigating officers who registered crime and investigated and filed the final report.

The main impugment of so far as the cognizance is concerned, it is without even filing any part-II Case Diary. The material is insufficient for this Court to go into merits. The another grievance of the petitioners herein is that the learned Magistrate issued Non bailable Warrants(N.B.Ws.) against them but they have no idea about the same much less served with any notice to know the date of hearing. Even the chargesheet also speaks that they

were arrested and subsequently were enlarged on bail and there is nothing to show the bail order is cancelled.

Having regard to the above and in the result, these two Criminal Petitions are disposed of by directing the learned Magistrate to recall the warrants(NBWs) against the petitioners by virtue of this order on their presence on filing application for recall. All the defences are left open to the petitioners to urge before the lower Court including if necessary by filing any application for discharge if there are no grounds to frame charge u/ sec.239 CrPC.

Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:11.10.2017
b/o. vvr.

Dr. B.SIVA SANKARA RAO J,

