

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.9848 OF 2011

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the proceedings in P.R.C.No.9 of 2011 on the file of VI Additional Judicial Magistrate of First Class, Warangal District.

2. Learned Additional Public Prosecutor for the State of Telangana would submit that the aforesaid P.R.C. was committed to the Court of Sessions, and the Sessions Division assigned S.C.No.6 of 2012 and made over to the Court of VII Additional Sessions Judge, Warangal, and, therefore, the present petition becomes infructuous.

3. When the matter is called in the forenoon session, there is no representation for the petitioner – accused, but in the afternoon session, learned counsel for the petitioner appeared and would submit that interim stay granted by this Court on 13.10.2011 has been in force.

4. But, however, once the Sessions Division has already assigned S.C.No.6 of 2012 and made over to VII Additional Sessions Judge, Warangal, it is difficult, at this stage, to go back to the original position. In fact, when the petitioner obtained stay on 13.10.2011, it is his bounden duty to come before this Court by filing an application when the P.R.C. was committed or Sessions Case number was

assigned, which took place way-back in the year 2012. The petitioner cannot enjoy the stay order for years together in a criminal case, that too in a case to be tried by a sessions Court.

5. Hence, the present Criminal Petition is dismissed as infructuous. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

July 10, 2017.
MD

