

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

CRIMINAL PETITION No.15600 OF 2016

ORDER:

Heard learned counsel for petitioners/A1 and A2 of C.C.No.199 of 2016, pending on the file of the XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 406 and 420 IPC, which is outcome of Crime No.232 of 2015 of the report of the 2nd respondent – defacto complainant, dated 12.09.2015 and also heard the learned counsel for the 2nd respondent – defacto complainant and the public prosecutor, representing the 1st respondent – State and perused the material on record, covered by the FIR and police final report and the proceedings of the two writ petitions viz., W.P.Nos.18812 of 2009 and 17987 of 2013 and the notice issued by the accused persons herein to the defacto complainant herein, dated 22.08.2011 and the plaint in O.S.No.96 of 2012 and the written statement and interim protection order for A2 in W.P.M.P.No.46914 of 2015 in the pending W.P.No.36429 of 2015 and also the letter of the defacto complainant to the cooperative society, dated 10.12.2009.

2. A perusal of the material in fact even falls short for this Court to dispose of the matter on merits, but for giving liberty to the petitioners to approach the trial court and file petition

for discharge to decide on own merits. Needless to say from the factum of 1st petitioner is at abroad and representing through 2nd petitioner as GPA, the 2nd petitioner can cause file application under Section 205 Cr.P.C. to represent the 1st petitioner through Special Vakalat Holder including for filing discharge application and hearing before charges if any, but for the personal appearance for section 313 Cr.P.C. examination if at all matter reaches that stage. As the 2nd petitioner got protection of not to arrest pending investigation and the final report is filed, the trial court shall consider the entitlement of regular bail by 2nd petitioner by virtue of the writ petition interim protection order pending trial, in the event of such application with surrender under section 44 Cr.P.C. and so far as 1st petitioner, it is left open if at all to move any anticipatory bail.

3. Accordingly and with the above observations, 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

29.08.2017
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