

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.13736 OF 2016

ORDER:

The petitioners, who are accused Nos.6 to 8 in C.C.No.358 of 2016 on the file of Special Judicial Magistrate of First Class for Prohibition and Excise, Guntur, alleged to have committed the offences punishable under Sections 498-A, 506 and 494 read with 34 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, 1961, and seek quashment of the proceedings in the aforesaid Calendar Case, under Section 482 of the Code of Criminal Procedure, 1973.

2. Sri K.V.R. Chowdary, learned counsel for the petitioners, would submit that an identical relief was sought for by accused Nos.1 to 3 in Criminal Petition No.12269 of 2016 and this Court, disposed of the said Criminal Petition on 24.08.2016 directing the Special Judicial Magistrate of First Class for Prohibition and Excise, Guntur, to dispose of the very same Calendar Case within a period of six months, without insisting the presence of petitioner Nos.1 and 2 therein, who are accused Nos.1 and 2, on each and every date of adjournment, unless the learned Magistrate feels that their presence is necessary for any specific purpose, with a further direction that petitioner No.3 therein – accused No.3 shall appear during the course of trial. He seeks to pass the very same order in this Criminal Petition also permitting petitioner No.2 – Gonugundla Nageswara Rao, who is

accused No.7, to appear on behalf of petitioner Nos.1 and 3, who are accused Nos.6 and 8.

3. The learned Additional Public Prosecutor for the State of Andhra Pradesh has not opposed the request.

4. Be that as it may, the learned Magistrate made a request today in Criminal Petition No.12269 of 2016 for extending the time by further four months for disposal of C.C.No.358 of 2016, and the said request was acceded to.

5. In view of the aforesaid circumstances, the present Criminal Petition is also disposed of directing the learned Special Judicial Magistrate of First Class for Prohibition and Excise, Guntur, to dispose of C.C.No.358 of 2016 within a period of four months as ordered in CrI.P.No.12269 of 2016, without insisting presence of petitioner Nos.1 and 3 – accused Nos.6 and 8 on each and every date of adjournment, unless the learned Magistrate opines that their presence is necessary for a specific purpose, and petitioner No.2 – accused No.7 shall appear during the course of trial.

6. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

February 22, 2017.
MD