

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9608 of 2017

ORDER :

Heard the learned counsel for the petitioner/ A2 among two accused including A1/respondent No.2 and learned Public Prosecutor representing the State before ordering notice to respondent No.1 of C.C.No.1459 of 2015 on the file of the III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, which is outcome of the report of respondent No.1/complainant viz., M.P.Peraiah, PC No.9379, Banjara Hills Police Station, Hyderabad, who is shown as PW.1. saying the case is already a part-heard case.

Perused the prayer in the petition with supporting averments and the order of the learned III Additional Chief Metropolitan Magistrate dated 01.02.2017 dismissing CrI.M.P.No.839 of 2016 filed by the petitioner for earlier disposal of the case with the observation by the learned Magistrate saying there is no urgency because of old cases are pending in taking up the matter.

However, the fact remains as pointed out rightly that subsequently trial of the case is taken up and de facto complainant already examined as PW.1. Once trial is

commenced as per the spirit of law covered by Section 309 Cr.P.C., the Court has to proceed for early disposal of the case, though not practicable because of old cases to post by day to day, atleast by very nearer dates, that too, when the petitioner/ A2 says that he is facing the ordeal and unable to attend the Court and he is a duty Doctor of King Koti Hospital (Ortho) and his services are day to day required in the hospital.

Having regard to the above, the Criminal Petition is disposed of, directing the III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, to continue the trial by giving early dates for early disposal, if necessary, by advancing the hearing if at all longer date posted, to issue summons to the witnesses.

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

Date:13-10-2017  
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Dr. B. SIVA SANKARA RAO, J