

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

CRIMINAL PETITION No.7056 OF 2017

ORDER:

Heard learned counsel for petitioners/A6 and A7 of PRC.No.32 of 2017, pending on the file of Additional Judicial Magistrate of First Class, Karimnagar, which is outcome of Crime No.19 of 2017 of Karimnagar II Town Police Station, registered for the offences punishable under Sections 498A, 307, 420, 354, 506, 500 r/w 34 IPC and Sections 3 and 4 of Dowry Prohibition Act and the police after investigation, filed the final report, that was taken cognizance to commit the case by the learned Magistrate, against eight accused, including the petitioners 6 and 7, who are no other than sister and brother-in-law of A1.

2. It is one of the contentions of the counsel for petitioner that the police, without application of mind, taken cognizance under Section 190 Cr.P.C., to commit the case to the Court of Sessions under Section 209 Cr.P.C., despite there is no sustainable acquisition, so far as the petitioners/A6 and A7 concerned. So far as NBW concerned, this Court cannot cancel, but for at best, the remedy of petitioner is otherwise either to move for anticipatory bail if at all maintainable from the settled position of this Court or to surrender for the court to take custody under Section 44 r/w 437 or 439 Cr.P.C., as the case may be to move regular bail, there from with notice to the public prosecutor to consider. In view of that remedy available, any observation by going into merits of the matter herein will be premature, but for to say, as committal

proceedings are almost a post office duty, once the court considers the case triable by Court of Sessions, but for the compliance of clauses (a) to (d) of Section 209 Cr.P.C., remedy is left open to the petitioner in the Sessions Case if at all by filing application under Section 227 Cr.P.C., with any material, for the learned Sessions Judge, if at all no grounds to decide by passing appropriate order with reference to merits of the matter.

3. Accordingly and with the above observations, this criminal petition is disposed of, by left open further remedies. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

09.10.2017
SS

DR.B.SIVA SANKARA RAO, J

