

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7498 of 2017

ORDER :

The petitioner is the sole accused of C.C.No.833 of 2013 pending on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, which is outcome of the report of the 2nd respondent-*de facto* complainant registered as Crime No.173 of 2013, dated 04.09.2013, by Women Police Station, Saroornagar, against the petitioner among other family members and police after investigation filed the final report only against the petitioner by showing him absconding. It appears, the learned Magistrate has taken cognizance for the offence under Section 498-A IPC and issued non-bailable warrant.

2. It is the contention of the learned counsel for the petitioner that the petitioner is resident of U.S.A. and he has no knowledge though there is a force in the contention of the learned Public Prosecutor that his family members were also parties to the crime it is hardly believable of the petitioner has no knowledge of the case even pending investigation. But, the fact that the final report filed against the petitioner is clear and taken cognizance only against the petitioner for the offence under Section 498-A IPC is also clear.

3. Having regard to the above, as the learned counsel expresses his intention to submit to the jurisdiction of the learned Magistrate, the

non-bailable warrant pending, if any, is suspended for one month from today so that the petitioner can land in India and approach the learned Magistrate concerned and leave for bail and give undertaking as to how he faced trial including for the pre-charge enquiry and trial proceedings if at all through Special Vakalat Holder otherwise, as the case may be, for the trial Court to consider.

4. Accordingly and with the above observations, without going into the merits, the criminal petition is disposed of. Needless to say in the event of his appearance and on compliance, the Investigating Officer is bound to consider referring of the case as per the guidelines of the apex Court in **Rajesh Sharma & others v. State of U.P. & another** (Crl.A.No.12654 of 2017 (arising out of SLP (Crl.) No.2013 of 2017), dated 27.07.2017).

5. Miscellaneous petitions pending, if any, shall stand closed.

5th September 2017.

mar

Dr. B. SIVA SANKARA RAO, J