

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

CRIMINAL PETITION No.9589 OF 2017

ORDER:

As docket proceedings of the learned Magistrate who has taken cognizance on the protest application by following the procedure contemplated by Sections 200 to 204 Cr.P.C., of the case triable by the Special Court of Sessions, originally outcome of Crime No.128 of 2012, for the offences punishable under Section 3(1)(x) & (xi) of SC/ST POA Act, 1989, from the police final report forming the opinion of no case to charge sheet the accused, with notice to the defacto complainant, as per the docket order dated 31.01.2017, summons ordered to the accused that were earlier were returned unserved and as per docket order dated 27.03.2017, from the subsequent fresh summons, shows accused refused to take the summons, thereby, issued NBW by posted the matter to 20.04.2017 and therefrom, NBW shown pending. Now, the petitioner/accused is seeking to quash the proceedings. In fact, remedy of approaching the Court of Sessions from the committal of the case, as the learned Magistrate already taken as private PRC.No.14 of 2016, available to the petitioner to pursue before the Court of Sessions, if necessary, by filing application for discharge under Section 227 Cr.P.C., as there is no material before the court even to go into merits of the same, but for to take care against the NBW pending against the petitioner. The contention that

there is no service of summons, much less, refusal is untenable from the said docket order, but for to say, the petitioner is given liberty by virtue of this order to surrender before the learned Committal Magistrate, by filing application under Section 44 Cr.P.C. for take him to custody and to release on executed bond, with or without sureties, as contemplated by Section 88 Cr.P.C., for the future due appearance.

2. Accordingly and with the above observation, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

13.10.2017
SS

DR.B.SIVA SANKARA RAO, J

