

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1932 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.), is filed by the petitioners viz., Akula Jaya Lakshmi and Gollapalli Srinivasa Rao seeking to quash the order, dated 09.12.2016, passed by the learned IV Additional District and Sessions Judge, Visakhapatnam, in Criminal M.P. No.863 of 2016 in Criminal Revision Petition No.59 of 2016.

2. The petitioners along with three others alleged to have committed the offences punishable under Sections 420, 465 and 468 read with Section 35 of Indian Penal Code, 1860, cognizance of which is taken by the learned II Additional Metropolitan Magistrate, Visakhapatnam, in C.C. No.820 of 2014.

3. Heard Sri Kambhampati Ramesh Babu, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh, and perused the material on record.

4. Though, the learned counsel for the petitioners fairly admits that the petitioners have undergone the step of cross-examination under Section 251 of Cr.P.C. on 10.02.2016 and thereafter made an application for supply of copies of documents under Section 207 of

Cr.P.C., which was allowed, copies were supplied and then they filed a petition for discharge and the learned Magistrate has returned the petition requiring to state as to how the petition is maintainable; but, instead of re-submitting it by quoting authorities as to provision of law with regard to maintainability, rushed to the revisional Court and filed Criminal Revision Petition No.59 of 2016 along with the application in Criminal M.P. No.863 of 2016 seeking stay of the proceedings in C.C. No.820 of 2014 on the file of II Additional Chief Metropolitan Magistrate, Visakhapatnam.

5. The order passed by the revisional Court cannot be faulted. Of course, the revisional Court ought to have disposed of the main revision petition itself, but, what transpired cannot be comprehended now, unless the learned counsel on record feeds information in that regard.

6. Be that as it may, by giving a direction, the present petition can be disposed of. Therefore, the learned Additional Sessions Judge is directed to dispose of the Criminal Revision Petition (Crl.R.P. No.59 of 2016) itself within a period of one (1) month from the date of receipt of a copy of this order.

7. With the above direction, the Criminal Petition is disposed of, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand disposed of.

A. SHANKAR NARAYANA, J

March 9, 2017.

NOTE:

Dispatch the order within a week.

(BO) PV

