

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3427 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code) requesting to quash the order dated 12.04.2017, in Criminal M.P. No.1296 of 2017 in C.C. No.1248 of 2012, which reads thus:

“Petitioners/A1, A2 absent till 12.00 noon at request of counsel the matter is passed over again counsel for accused came and reported that the accused will come on 17th April. Hence the petition is dismissed.”

2. M/s. R.N. Padma, learned counsel for the petitioners - accused Nos.1 and 2, would submit that on the date when the said order was passed, the petitioners were attending in Spl. S.C. No.27 of 2012 before the Special Court for Trial of offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act - cum - VI Additional Metropolitan Sessions Judge, Secunderabad, and that, that was the reason, they could not appear before the learned Magistrate and though, the application under Section 70(2) of the Code was filed on the date of issue of non-bailable warrant, the same was dismissed. Of course, the challenge is against the present order.

3. There appears to be reason in what the learned counsel has submitted in the above.

4. The petitioners are, therefore, directed to physically present and make an application under Section 70(2) of the Code before the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad, and, in such an event, the learned Magistrate shall dispose of the same on the same day looking into the reasons assigned and in accordance with law.

5. With the directions above, 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 closed.

A. SHANKAR NARAYANA, J

April 28, 2017.

NOTE:

Dispatch the order by tomorrow.

(BO)PV