

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5558 of 2017

ORDER:

Heard learned counsel for the petitioner/A.4 of C.C.No.828 of 2013 on the file of XIII Metropolitan Magistrate, Ranga Reddy District, and also learned Public Prosecutor for the 1st respondent-State and before ordering notice to the 2nd respondent and perused the charge sheet and other material on record.

The contention raised by the petitioner of there is no prima facie accusation for the offence under Sections 418, 420, 423 & 120-B IPC concerned, it is left open to file application for discharge before the learned Magistrate, but for to say so far as the offence under Section 193 IPC concerned, there is bar by virtue of Section 195 Cr.P.C. for not outcome of private complaint, for registration of crime and investigation taking of cognizance on the police final report.

Thus, the petition is allowed to that extent by quashing the offence under Section 193 IPC and for the rest, the petition is disposed of. So far as NBW pending against the petitioner, by virtue of this order, the petitioner shall appear before the Court with an application for recall of the warrant since not executed so far, for the learned Magistrate to consider and dispose of the same by obtaining bond for the future appearance as contemplated under Sections 88/89 Cr.P.C. since originally summons were issued and subsequently for not honouring, NBW issued, which is pending.

Accordingly and in the result, the Criminal Petition is partly allowed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.08.2017
ska

