

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

CRIMINAL PETITION No.6882 OF 2017

ORDER:

Heard learned counsel for the petitioner/ accused and learned public prosecutor representing the State.

A perusal of the impugned order dated 03.07.2017 in CrI.M.P.No.543 of 2017 in Crime No.8 of 2017 passed by the Judicial Magistrate of I Class, Nandalur, including the reasons assigned, as rightly pointed out by the learned counsel for the petitioner, is unsustainable and accordingly set aside. However, in view of the latest two Judge Bench expression of the Hon'ble Apex Court dated 27.07.2017 in CrI.A.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in *Rajesh Sharma & Others Vs. State of U.P. & another*), the matter requires to be referred by the learned trial Magistrate to the Committee to be constituted for report to consider any reconciliation and settlement and if it is not settled, then to proceed with trial on merits.

So far as the return of passport with transit permission, petitioner is at liberty to file an application and it is for the trial Court to consider the same by following the observation made by this Court in CrI.Pc.No.3186 of 2016, dated 08.02.2017.

Accordingly and with the above directions, this Criminal Petition is disposed of.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR. B. SIVA SANKARA RAO, J

Date: 08.08.2017

Note: 1. Copy of the order in CrI.Pc.No.3186 of 2016,
Dated 08.02.2017 shall be annexed.

2. Issue C.C. in two days.

B/o.
Pab