

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2538 OF 2017

ORDER:

Precisely, the request under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') is to direct the learned Additional Judicial Magistrate of First Class at Addanki to dispose of Calendar Case No.257 of 2009 in a particular period by framing timeline. This has been the request made by the petitioner, who is accused No.1 in the aforesaid Calendar Case on the said file.

2. Sri Akurathi Ramakrishna, learned counsel for the petitioner, would draw the attention of this Court to the order passed by this Court earlier in Criminal Petition No.15764 of 2016, whereby and whereunder, this Court directed the learned Additional Judicial Magistrate of First Class, Addanki, to decide the matter as expeditiously as possible. That order was passed on 08.11.2016. The learned counsel would also draw the attention to the docket order passed by the learned Magistrate dated 03.03.2017, indicating that bailable warrant was issued against LW.1 - *de facto* complainant, who is no other than the wife of the petitioner herein, and a report appears to have been filed by the Circle Inspector of Police, Addanki, stating therein that though, efforts were made, bailable warrant could not be effected on LW.1 and, therefore, time was sought to execute the same, basing on which, from 03.03.2017, the Calendar Case was posted to 09.03.2017.

3. It is true, when the first witness, who is *de facto* complainant, herself is not coming forward, some sort of coercive step, certainly, has to be resorted to by the Court. The police are also duty bound to assist the Court in carrying out the orders passed by the learned Magistrate. Since Calendar Case relates to the year 2009 and in earlier order there is no time frame was fixed by this Court, perhaps viewing the fact that the petitioner has not brought to the notice of the Court as to the volume of pendency on the file of the said Court, still, the learned Magistrate is directed to dispose of the Calendar Case No.257 of 2009 within six (6) months from the date of receipt of a copy of this order. The police appear to have not been cooperating as could be seen from the order passed on 03.03.2017 by the learned Magistrate. Therefore, it is observed that the learned Public Prosecutor for the State of Andhra Pradesh would impress upon the concerned police that they would abide by the orders passed by the learned Magistrate.

Accordingly, the Criminal Petition is disposed of at the admission stage itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 27, 2017.

Mgr