

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.11458 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure to quash the proceedings in C.C No.4 of 2011 pending on the file of VIII Additional District and Sessions Judge, Vijayawada, against the petitioners/A3, A4 & A5, for the offences punishable under Sections 406, 420 r/w 34 IPC and Section 5 of A.P. Protection of Depositors and Financial Establishment Act.

Learned counsel appearing for petitioners though raised several contentions questioning the legality of charge sheet filed before the Court, he requested this Court to club this matter with another CC No. 16 of 2012 filed against the same petitioners for the same offences, and in fact, this CC is pending with the District and Sessions Judge, Machilipatnam, but it was transferred by the order dated 17.8.2017 to the Court of Metropolitan Sessions Judge, Vijayawada, vide order in TR.CRL.P NO. 248 of 2011.

According to the petitioner, in the earlier CC there was stay of framing of charges and requested this Court to pass the same order in the present Criminal Petition.

The earlier CC was of the year 2012 and it is pending for the last five years and requesting this Court to send it to the clod storage for another five years. If such stay is granted after six years of registration of the case as calendar case, it is difficult to decide the

matters by the subordinate Court and in such case, granting stay of all further proceedings is nothing but abuse of process of Court. Therefore, I am not inclined to grant any relief asked by the learned counsel for the petitioners across the bench.

If both the matters are relating to one crime and the offences in both the cases are one and the same or almost similar and the witnesses listed in the present case and the list of witness in the other case are similar, the petitioner can make an appropriate request to decide both the cases simultaneously or jointly before the VIII Additional District and Sessions Judge, Vijayawada, but this Court cannot pass such order when the matter is not placed before this Court to identify all the witnesses listed in both the calendar cases. Hence, I find no ground to accede to the request of the learned counsel for petitioners without touching the other merits, and contentions raised in the petition are not insisted to be gone into by this Court by the counsel, limiting his relief for grant of stay of further proceedings.

In view of the reasons stated above, the Criminal Petition is dismissed. However, it is left open for the petitioners/accused to make an appropriate request to decide both the cases simultaneously or jointly before the VIII Additional District and Sessions Judge, Vijayawada. Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SATYANARAYANA MURTHY

Date: 22.11.2017

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