

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

CRIMINAL PETITION No.9417 OF 2017
AND
TRANSFER CRIMINAL PETITION No.137 OF 2016

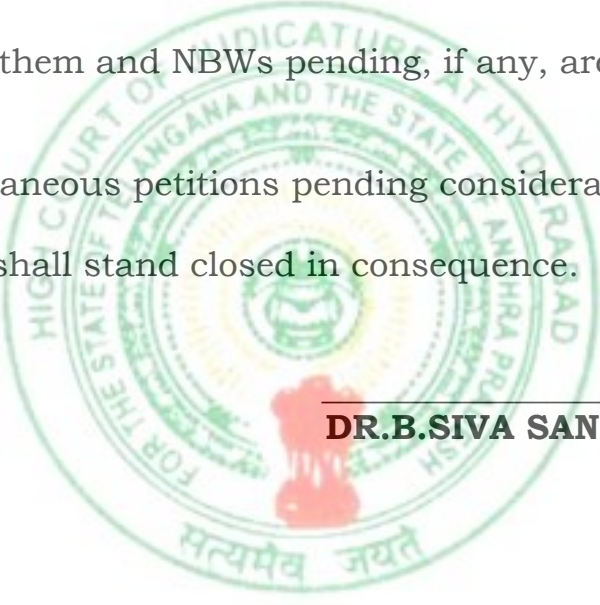
COMMON ORDER:

These two petitions viz., CrI.P.No.9417 of 2017 and Tr.CrI.p.No.137 of 2016, came before me for hearing, filed by the self-same petitioner – A3, among three accused including A1 and A2 are her husband and son respectively and they are the accused in STC.No.01/2015, pending on the file of the I Special Magistrate Court, Kukatpally at Miyapur. Among the two, one is a transfer petition for transfer of the case to the any court of ground floor functioning at Nampally, which is nearer to her residence at Hussaini Alam, as she is not in a position to climb the steps and the other case is impugning the docket order of the learned Special Magistrate, dated 12.02.2016, in rejecting her petition for her not appearing before the Court pursuant to the N.B.W. for recall and execution of bond pursuant thereto, following the order of this Court in CrI.R.C.No.238 of 2016, dated 09.01.2016, in saying she was brought on a vehicle, unable to climb as the Court is at fourth floor and the Court can depute any officer of the Court to note her presence lying at ground floor. In fact, a perusal of the record shows, the STC taken cognizance is for the offence under Section 182 IPC, based on the police report. There is a bar under Section 195(1)(a) Cr.P.C. and the offence

is also a non-cognizable one to take cognizance on police report, but for on private complaint that too without permission of the Magistrate contemplated by Section 155 Cr.P.C., suffice to quash the proceedings with no need of transfer invoking Section 482 Cr.P.C., consequently with no need of execution of bond or recall of N.B.W.

2. Accordingly and in the result, the above two petitions are disposed of, by quashing the proceedings not only against the petitioner but other accused and the bail bonds, if any, executed by them and NBWs pending, if any, are cancelled.

3. Miscellaneous petitions pending consideration, if any, in these cases shall stand closed in consequence.



DR.B.SIVA SANKARA RAO, J

10.10.2017
SS