

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

CRIMINAL PETITION No.9818 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 to A5 of C.C.No.388 of 2016, pending on the file of X Metropolitan Magistrate, Cyberabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 420, 406, 506 r/w 120B IPC, from the police investigation, outcome of Crime No.03 of 2016 of SHO, Malkajgiri P.S., from the report of the 2nd respondent herein and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent and perused the grounds urged in the quash petition and the police final report and the disputes between the parties pending in O.P.No.518 of 2012 before the Family Court, Secunderabad.

2. In fact, the material falls short even for the Court to go into merits of the sustainability of the accusation against any of the petitioners/accused from the cognizance order of the Magistrate not even the before the Court, but for giving liberty thereby to the petitioners of filing any application under Section 239 Cr.P.C., before the learned Magistrate including with any material filed before this Court, by virtue of this order, to receive pursuant to the expression of the Hon'ble Apex Court in ***Rukmini Narvekar Vs. Vijaya Satardekar & Ors***¹ and so far as the difficulty expressed for all to attend

¹ AIR 2009 SC 103

regularly before the court personally concerned, by virtue of this order, liberty is given to the petitioners to file application under Rule 37 of the Criminal Rules of Practice before the learned Magistrate for one to represent the others for the learned Magistrate to hear and consider with necessary conditions of personal appearance as and when required.

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

26.10.2017
SS

DR.B.SIVA SANKARA RAO, J

