

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10020 of 2017

ORDER:

Though the petitioner/A.1 requested to refer the case as per the guidelines of the latest two Judge Bench expression of the Apex Court in **Rajesh Sharma & Others Vs. State of U.P. & Another¹**, this Court is not inclined to refer as he is admittedly not in India and unless he submits to the jurisdiction of the learned Magistrate by surrendering.

So far as the merits of the quash petition concerned, it is crime No.223 of 2014 pending for more than 3 years for the offence punishable under Section 498-A IPC and as he is willing to submit to the jurisdiction of the Court, for nothing on merits to quash the proceedings, the NBW pending if any is suspended for one (01) month and in the meantime, he shall land in India and surrender before the Court to have the relief of bail if any.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 26.10.2017
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¹ 2017 (2) ALT (CrI.) 393 (SC)