

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.157 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the order, dated 08.03.2017 in C.C.No.108 of 2017 (Cr.No.163 of 2009 on the file of CID, Cyber Crimes, A.P. Hyderabad) on the file of the VI Addl. Chief Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. While dealing with the subject crime, this Court passed an order, dated 19.04.2016 in CrI.P.No.5551 of 2016, which reads as follows:

“This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) by the petitioner seeking to quash the order dated 01.04.2016 in CrI.M.P.No.855 of 2016 in Crime No.163 of 2009 on the file of the VIII Addl. Chief Metropolitan Magistrate, Nampally along with the consequential order dated 01.04.2016 issuing a Non-Bailable Warrant against the petitioner.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material available on record.

Having regard to the facts and circumstances of the case, the warrant issued against the petitioner is hereby recalled and the petitioner is directed to represent before the concerned court through counsel on all hearing days.”

4. It appears from the record that the Court concerned on 08.03.2017 passed the following order.

“Cognizance taken for the offence U/s 65 and 66 I.T. Act and 469 IPC. Issue NBW against the accused. Call on 03.05.2017.”

The above order, dated 08.03.2017 runs contra to the order passed by this Court on 19.04.2016.

5. Under these circumstances, the order, dated 08.03.2017 passed by the VI Addl. Chief Metropolitan Magistrate, Hyderabad, to the extent of issuing N.B.W. against the petitioner-accused is quashed.

6. Accordingly, the Criminal Petition is allowed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 18-01-2018.
Hsd

