

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3419 of 2018

ORDER:

Challenging the docket order dated 23-1-2018 in P.R.C.No.01 of 2018 passed by the learned II Metropolitan Magistrate for Railways, Secunderabad, directing issue of N.B.W. against A.1 to A.3 while taking cognizance of the offence under Section 306 of I.P.C., this Criminal Petition is filed by the petitioners/A.1 to A.3 invoking the inherent powers under Section 482 Cr.P.C.

The submission of the learned counsel for the petitioners is that in CrI.M.P.No.11217 of 2016, this Court while directing Investigating Agency to proceed with the investigation, ordered that petitioners shall not be arrested till the investigation was completed and Charge Sheet was filed. Subsequently, Charge Sheet was filed and taking cognizance of the same, Committal Court straightaway issued N.B.W.against A.1 to A.3.

Learned counsel would further submit that during the course of investigation, petitioners have cooperated with Investigating Agency and in that view of the matter and in view of the decision reported in *INDER MOHAN GOSWAMI AND ANOTHER vs. STATE OF UTTARANCHAL AND OTHERS* (¹), the Committal Court ought not to have issued N.B.W.at the very first instance. He would submit that petitioners are ready to appear before the learned Magistrate and requested that N.B.W. issued against them may be ordered to be recalled.

Perused the order in CrI.M.P.No.11217 of 2016 dated 2nd August, 2016 and also the impugned docket order. Petitioners/A.1 to A.3 are directed to appear before the II Metropolitan Magistrate for Railways, Secunderabad, on or before 29th March, 2018 and move an application for recall of N.B.W. in which case, the said court shall recall N.B.W. issued against them.

¹ (2007) 12 SCC 1

This Criminal Petition is disposed of accordingly.

As a sequel, miscellaneous applications pending if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 20th March, 2018.

Note:

Issue C.C. today.

BO

Dvs



HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



CRIMINAL PETITION No.3419 of 2018

Dated 20th March, 2018

Note:
Issue C.C. today.
BO
Dvs