

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7386 OF 2013

ORDER:

On 13.06.2018, in view of the submission of the learned counsel for the petitioner that in spite of stay granted by this Court in CrI.P.M.P.No.6796 of 2013, the Investigating Officer (IO) completed investigation and filed charge sheet, this Court called for the explanation of the concerned Investigating Officer. Today, on instructions, learned Additional Public Prosecutor would submit that the stay was granted in CrI.P.M.P.No.6796 of 2013 on 24.07.2013 for a period of six weeks and thereafter, there was no immediate extension of the stay sought for by the petitioner. However, the stay was extended on 03.09.2013 until further orders. The learned Additional Public Prosecutor would submit that subsequently investigation was completed and charge sheet was filed and case was registered as C.C.No.107 of 2017 by the learned Judicial Magistrate of First Class, Sultanabad, Karimnagar District. Challenging the proceedings in C.C.No.107 of 2017, the present petitioner filed CrI.P.No.10131 of 2017 to quash the proceedings against him and after enquiry, the said criminal petition was dismissed by this Court on 02.11.2017. Since the quash petition in CrI.P.No.10131 of 2017 challenging C.C.No.107 of 2017 was dismissed, the contention that pending stay, charge sheet was filed, may not have much force. The petitioner has not brought it to the notice of the Court during hearing of the CrI.P.No.10131 of 2017 about filing of the charge sheet pending stay.

A perusal of the order in CrI.P.No.10131 of 2017 shows that the petitioner has not made any protest before this Court that while stay granted in CrI.P.M.P.No.6796 of 2013 in CrI.P.No.7386 of 2013 was pending, the IO filed charge sheet, which was taken cognizance and registered as C.C.No.107 of 2017 and therefore, the proceedings in C.C.No.107 of 2017 are liable to be quashed. Now it appears, to wriggle out of the order in

Crl.P.No.10131 of 2017, learned counsel would submit that indeed he argued before the Court in Crl.P.No.10131 of 2017 that pending stay in Crl.P.M.P.No.6796 of 2013, investigation was completed and therefore, the proceedings in C.C.No.107 of 2017 are liable to be quashed, but the same was not taken into consideration by this Court. This argument is fallacious for the reason that if really such argument allegedly made by the petitioner was not taken into consideration by this Court, and thereby, the petitioner was prejudiced by the dismissal of the Crl.P.No.10131 of 2017, he ought to have carried out the order in Crl.P.No.10131 of 2017 in further proceedings, but he coolly accepted the same and remained silent. Therefore, the order in Crl.P.No.10131 of 2017 operates against the petitioner. In that view of the matter, even assuming that the investigation was proceeded with pending stay, the same cannot be given much weight in view of the subsequent proceedings in Crl.P.No.10131 of 2017.

The criminal petition is accordingly dismissed as infructuous. Consequently, miscellaneous petitions pending, if any, shall stand closed. No costs.

25.06.2018
pln

U.DURGA PRASAD RAO, J