

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6066 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the docket order dated 28-05-2018 in C.C.No. 1 of 2017 on the file of the Court of learned Judicial Magistrate of I Class (Special Mobile) at Karimnagar, whereby the petitioner-accused is directed to be present on 18-06-2018 or to furnish fresh order if any.

2. This Court by order dated 19-06-2017 in Criminal Petition No. 4544 of 2017 dispensed with the presence of the petitioner before the Court below in C.C.No. 1 of 2017 till further orders. The Court below following the latest judgment of the Apex Court and the circular issued by this Court construed that stay proceedings automatically lapse after six months from the date of order and passed the impugned order. A Full Bench of the Apex Court on 28-03-2018 while deciding ***Asian Resurfacing of Road Agency Private Limited and another Vs. Central Bureau of Investigation***¹ held that in all pending matters before High Courts or other Courts relating to PC Act or all other civil or criminal cases, where stay of proceedings in a pending trial is operating, stay will automatically lapse after six months from 28-03-2018. In the light of the above judgment, the *interim* order granted by this Court on 19-06-2017 will automatically lapse after 27-09-2018 unless it is extended by a speaking order. Therefore, lapsing of *interim* order after six months from the date of order as was construed in the impugned order by the Court below is *ex facie* an error and the same is liable to be set aside.

¹ LAWS (SC)-2018-3-73

3. The criminal petition is accordingly allowed setting aside the docket order dated 28-05-2018 in C.C.No. 1 of 2017 on the file of the Court below and it is made clear that the *interim* order dated 19-06-2017 passed by this Court in Criminal Petition No. 4544 of 2017 is deemed to be in operation till 27-09-2018 unless the same is vacated by a speaking order. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 14-06-2018.

M.SATYANARAYANA MURTHY, J.

Note:

Issue C.C. in two days.

B/O

JSK

