THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9996 OF 2016

ORDER:

This criminal petition is filed by the petitioner/Accused No.5 under Section 482 Cr.P.C to quash the proceedings in C.C.No.586 of 2014 on the file of VI Additional Judicial Magistrate of First Class at Warangal, in Crime No.497 of 2008 for the offences punishable under Section 498-A IPC and Sections 3,4 & 6 of Dowry Prohibition Act, on the sole ground that she faced trial till examination of accused under Section 313 Cr.P.C, that means he did not appear before the Court, for examination under Section 313 Cr.P.C, in pursuance of the orders issued by this Court in Crl.P.No.4895 of 2009. As the petitioner/A-5 failed to appear before the Magistrate to answer the questions in the examination under Section 313 Cr.P.C, Non-Bailable Warrant was issued against her and it is pending before the Court now in the separated case C.C.No.586 of 2014.

The Magistrate after completion of trial and after hearing argument of both the counsel, acquitted all the accused, except A-5 for the above charges finding them not guilty. As, the non-bailable warrant is pending due to her stay in United States of America, she could not appear before the Court below. She faced trial except answering questions under Section 313 Cr.P.C and entire trial was completed. Pronouncement of judgment against the other accused who are placed on similar lines is sufficient to acquit this petitioner/A-5 on the basis of same evidence.

Hence, when the other accused are all acquitted, this petitioner is also entitled for the benefit of acquittal under the same judgment. Therefore, the proceedings against this petitioner/A-5 are liable to be quashed.

In the result, criminal petition is allowed by quashing the proceedings in C.C.No.586 of 2014 on the file of VI Additional Judicial Magistrate of First Class at Warangal against the petitioner/A-5.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:02.07.2018

SP