

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CRIMINAL REVISION CASE No.1666 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the orders dated 28.05.2018 in C.C.No.418 of 2015 on the file of the Special Magistrate, Hindupur, Anantapur District, issuing Non-Bailable Warrants against the petitioner and adjourning the matter to 22.06.2018.

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the first respondent-State.

The facts of the case are that the petitioner herein has been charged for the offences under Sections 447 and 427 I.P.C. in F.I.R.No.45 of 2014 on the file of Hindupur Rural Police Station. After filing the charge sheet, the Court below has taken cognizance of the aforesaid offence and numbered the same as C.C.No.418 of 2015. Questioning the said proceedings, the petitioner filed a quash petition before this Court vide CrI.P.No.10095 of 2016, wherein this Court was pleased to order notice to the de facto complainant-2nd respondent herein and granted interim stay as prayed for until further orders. It is informed by the counsel for the petitioner that the said order is still in force.

While the matter stood thus, relying on the circular issued by this Court vide proceedings in ROC No.2573/OP Cell/2018, dated 18.04.2018, the Court below has passed the order on 28.05.2018 and issued N.B.Ws. against the petitioner. Questioning the said order, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner brought to the notice of this Court, the order passed by the Apex Court with regard to granting of stay and pendency of the same for more than six months and its effect in Criminal Appeal Nos.1375-1376 of 2013 and batch, dated 28.03.2018. Relying on the said order of the Apex Court, this Court has issued the above referred circular extracting the order passed by the Apex Court. For convenience, the operative portion of the said order is as under:

“.....In all pending matters before the 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 today unless extended by a speaking order on above parameters. Same course may also be adopted by civil and criminal appellate/revisional courts under the jurisdiction of the High Courts. The trial Courts may, on expiry of above period, resume the proceedings without waiting for any other intimation unless express order extending stay is produced.”

As per the said orders/guidelines, the interim order passed by this Court in CrI.P.No.10095 of 2016 dated 13.07.2016 expires in the month of September, 2018. If that be the position, the impugned order passed by the Court below on 28.05.2018 in issuing N.B.Ws. against the petitioner cannot be sustained and liable to be set aside.

Accordingly, the Criminal Revision Case is allowed setting aside the order dated 28.05.2018 in C.C.No.418 of 2015 on the file of Special Magistrate, Hindupur, Anantapur District.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHA VA RAO,J

03rd JULY 2018.

Note: Issue C.C. in (2) days.

(B/o)Tsr

