

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 2073 of 2016

ORDER:

This writ petition is filed to issue a writ of mandamus assailing the inaction of the respondents on the representation submitted by petitioners, dated 17.01.2016, and also the inaction of the 3rd respondent in giving necessary protection to the petitioners from respondents 4 to 7, so as to enable the petitioners to attend the Court of Judicial Magistrate of First Class, at Illendu, in connection with criminal cases in C.C.Nos.856, 857, 858, 859 and 860 of 2015. The petitioners herein are respondents in the said criminal cases.

2. Brief facts of the case are that respondents 4 to 7 herein are one family members and they filed complaints in criminal cases C.C.Nos.856, 857, 858, 859 and 860 of 2015 on the file of Judicial Magistrate of First Class, at Illandu, under Sections 138 of the Negotiable Instruments Act, 1881, (for short, 'the NI Act') against the petitioners herein. The said cases were posted to 21.01.2016 for appearance of petitioners and, therefore, the petitioners have to attend the Court of Judicial Magistrate of First Class, at Illandu (for short, 'the trial Court') on 21.01.2016 and further proceedings. The petitioners are admittedly residing at Guntur of Andhra Pradesh and they have to go to Illandu in Khammam District for attending the cases before the trial Court. Therefore, the petitioners have

approached the 3rd respondent on 23.12.2015 requesting him to give necessary protection from respondents 4 to 7, but the 3rd respondent has not provided any protection. Therefore, they have filed this writ petition seeking protection.

3. This Court, vide order dated 27.01.2016 issued the following directions in WPMP No.2628 of 2016.

“As the petitioners’ representation dated 17.01.2016 is pending consideration before the Superintendent of Police, Khammam District, the second respondent, and as they are seeking protection only to attend to the court cases, there shall be a direction to the second respondent to consider the petitioners’ representation and take appropriate action in the matter in accordance with law.”

4. Learned counsel for the petitioners is present and advanced arguments.

5. Learned AGP (Home) submits that the writ petition can be disposed of by making the interim orders passed in this case absolute.

6. Having regard to the facts of the case, the interim order passed by this Court on 27.01.2016 in WPMP No.2628 of 2016 has worked out the remedy in the writ petition.

7. Therefore, the writ petition is disposed of by making the interim order dated 27.01.2016 passed in WPMP No.2628 of 2016

absolute. The petitioners may inform the 3rd respondent whenever they require police protection for attending the Court proceedings before the trial Court in connection with the criminal cases in C.C. Nos.856, 857, 858, 859 and 860 of 2015, and the 3rd respondent is directed to give necessary protection to the petitioners for attending the proceedings. No costs. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

19th April, 2018

ksm



HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



WRIT PETITION No. 2073 of 2016

19th April, 2018

KSM