

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**Crl.P.No.9405 of 2018**

**ORDER**

This petition is filed under Section 482 Cr.P.C., by the petitioner/A1 questioning the inaction of the Judicial Magistrate of First Class, Mummidivaram, East Godavari for not disposing of C.C.No.38 of 2009, on various grounds.

During hearing, learned counsel for petitioner contended that the private complaint was filed in the year 2009 and the same was taken on file by the Magistrate in the year 2009, since then the complainant is not appearing before the Court and trial is not yet commenced though nine years have been elapsed from the date of complaint and requested to issue necessary direction to the Magistrate to dispose of the calendar case in accordance with law within the time frame fixed by the Court. Learned counsel for the petitioner brought to the notice of the Court that NBW issued against the petitioner is pending and requested to recall. This Court cannot exercise power under Section 482 Cr.P.C. to recall NBW under Section 70(2) Cr.P.C. However, opportunity is given to the petitioner to file appropriate application before the Magistrate and on filing such application, the Magistrate is directed to dispose of the same day in accordance with law.

In view of the request made by learned counsel for the petitioner and age of the calendar case, I deem it appropriate to issue necessary direction to the Court below to dispose of calendar case in accordance with law.

In the result, the criminal petition is disposed of directing the Judicial Magistrate of First Class, Mummidivaram to dispose of C.C.No.38 of 2009 in accordance with law as expeditiously as possible in any event not less than four months from the date of receipt of copy of the order.

Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

**M. SATYANARAYANA MURTHY, J**

05.09.2018  
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