

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10811 OF 2018

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') is filed by the petitioner - third party/owner of the property viz., Sabbam Mohana Rao, questioning the inaction of the learned Additional Judicial Magistrate of First Class at Chodavaram in disposal of CrI.M.P. No.1413 of 2018 filed under Section 451 of the Code in Crime No.57 of 2018 of A. Koduru Police Station, on the ground that despite quashing the entire proceedings in Crime No.57 of 2018 of A. Koduru Police Station, Visakhapatnam, by this Court vide order, dated 30.08.2018, in Criminal Petition No.9229 of 2018, the learned Magistrate did not dispose of the said petition though filed long back.

2. When the petitioner filed an application under Section 451 of the Code, the Court has to dispose of such application within a week from the date of its filing. Therefore, the action on the part of learned Magistrate in not disposing the aforesaid petition is contrary to the law laid down by the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai v State of Gujarat**¹ and, consequently, I deem it appropriate to issue a direction to the Additional Judicial Magistrate of First Class at Chodavaram, to dispose of CrI.M.P. No.1413 of 2018 in Crime No.57 of 2018 of A. Koduru Police Station, filed under Section 451 of the Code,

¹. 2002 Law Suit (SC) 1346

within a week strictly adhering to the guidelines issued by the Apex Court in **Sunderbhai Ambalal Desai¹**.

3. With the above direction, the present Criminal Petition is disposed of at the admission stage itself.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 11, 2018

Mgr

