

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION Nos.10885, 10887, 10908 OF 2018

COMMON ORDER:

The criminal petitions are filed by the petitioners/accused under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 03.10.2018 passed in CrI.M.P.No.2112 of 2018 in C.C.No.570 of 2017, CrI.M.P.No.2111 of 2018 in C.C.No.212 of 2017, CrI.M.P.No.2110 of 2018 in C.C.No.213 of 2017 respectively by the Special Magistrate-II, Rajendernagar, Ranga Reddy District, whereby the petitions filed under Section 309 of Cr.P.C. were dismissed.

The allegations in all the three petitions and the impugned orders passed by the trial Court are almost identical, hence it is expedient to decide all the petitions by common order.

For convenience sake, I would like to advert to the facts as narrated in CrI.P.No.10885 of 2018.

CrI.P.No.10885 of 2018:

The petitioners are the accused and they filed petition under Section 309 of Cr.P.C. alleging that the petitioners are accused in C.C.Nos.211 of 2017, 212 of 2017, 213 of 2017 and C.C.No.570 of 2017. The petitioners filed CrI.M.P.N.1058 of 2018 in C.C.No.211 of 2017 under Section 65-B of Indian Evidence Act, which was dismissed by the trial Court.

Aggrieved by the same, the petitioners filed a petition in CrI.P.No.5932 of 2018 under Section 482 of Cr.P.C. and the same is pending on the file of this Court and this Court granted stay on 13.06.2018 and the same was extended from time to time and still

the order is in force, but the counsel for the respondent therein did not appear though the same counsel filed vakalath.

It is the contention of the petitioners that in all the four cases (referred supra) the defence of the petitioners is one and the same and the C.C.No.570 of 2017 is coming up for defence evidence and if the said C.C. is disposed of by the Magistrate during subsistence of interim order in other CrI.P.No.5932 of 2018 (C.C.No.211 of 2017), it would cause prejudice to the petitioner and requested this Court to pass appropriate orders by exercising power under Section 309 of Cr.P.C.

The Magistrate dismissed the petition by passing a cryptic order that there is no tenable ground to adjourn the case and dismissed the petition.

Aggrieved by the order, the present petition is filed under Section 482 of Cr.P.C.

During hearing, learned counsel for the petitioners reiterated the grounds urged in the petition filed before the Court below.

The petitioner filed a petition under Section 309 of Cr.P.C., which reads thus:

“309.Power to postpone or adjourn proceedings.- (1) In every inquiry or trial the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.”

In the present case, the cause shown by the petitioners is that grant of stay by this Court in CrI.P.No.5932 of 2018 (related to C.C.No.211 of 2017), but pendency of CrI.P.No.5932 of 2018 in other case is not a ground to adjourn the C.C.No.570 of 2017 from time to time by exercising power under Section 309 of Cr.P.C. but in fact, the

proceedings under Negotiable Instruments Act are summary in nature and the request of the learned counsel for the petitioners is against the purport of speedy justice, which is fundamental right guaranteed under Constitution of India. Unless, the proceedings in this petition are stayed by the Court in any petition, the trial Court cannot adjourn the case indefinitely by exercising power under Section 309 of Cr.P.C. None of the grounds raised by the petitioners are sufficient to exercise such power to adjourn the calendar cases indefinitely or till disposal of CrI.P.No.5932 of 2018 pending before this Court or till vacation of interim order granted by this Court in other C.C. Therefore, I find no ground to quash the order passed by the Court and the petitioners may take appropriate steps to get the CrI.P.No.5932 of 2018 disposed of at an early date, so as to enable the Court to proceed with the pending cases. Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition No.10885 of 2018 is dismissed. No costs.

CrI.P.No.10887 of 2018:

In view of the detailed order passed in CrI.P.No.10885 of 2018, this petition is also dismissed. No costs.

CrI.P.No.10908 of 2018:

In view of the detailed order passed in CrI.P.No.10885 of 2018, this petition is also dismissed. No costs.

The miscellaneous petitions pending in all the petitions, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

11.10.2018
Ksp