

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.12125 of 2017

ORDER:

The petitioner is A12 in C.C.No.122 of 2015 on the file of the learned IX Additional Metropolitan Magistrate, Nampally, Hyderabad, taken cognizance for the offences punishable under Sections 448, 427 r/w 34 IPC, which is outcome of Crime No.241 of 2013 of Chikkadpalli Police Station, Hyderabad, registered for said offences from the report of the *de facto* complainant-respondent No.1, and from the investigation filed the final report and the learned Magistrate has taken cognizance for the offences from the police final report citing thirteen accused and nine witnesses including LWs 6 to 9, Investigating Officers, LWs 4 & 5 the Panch witnesses, LWs 1 to 3 the so-called independent witnesses including the victim.

2. From the charge sheet and the statements of LWs 1 to 3, there is no whisper of the name of the petitioner of any role and what all mentioned in the last but second paragraph of the charge sheet, running in three pages, is that LW9 (Investigating Officer) - S.I. of Police, Chikkadpalli Police Station, identified thirteen accused persons and served notices under Section 41A Cr.P.C. and obtained their consent to appear before the Court according to law. His identification is no way sufficient in the absence of showing any role of any of the accused. He allegedly identifies and to mention what role that too when none of the witnesses state any role of them.

Hence, taking of cognizance by the learned Magistrate is no way sustainable.

3. Accordingly, this Criminal Petition is allowed and the proceedings in C.C.No.122 of 2015 on the file of the learned IX Additional Metropolitan Magistrate, Nampally, Hyderabad, are quashed against the petitioner-A12. The bail bonds of the petitioner-A12, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

20.12.2018
MVA



Dr. B. SIVA SANKARA RAO, J