

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.971 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/accused officer (AO) seeking to quash the order, dated 25.01.2019, passed in CrI.M.P.No.52 of 2019 in C.C.No.9 of 2006 on the file of Principal Special Judge for SPE & ACB Cases, City Civil Court, Hyderabad.

2. Heard the learned counsel for the petitioner/AO, the learned Special Public Prosecutor for ACB appearing for the respondent-complainant and perused the record.

3. It has been contended that the income tax returns filed by K.Buchaiah with regard to lending of Rs.10,00,000/- to this petitioner/AO is mentioned in his returns, examination of said K.Buchaiah is necessary, but the Court below erroneously dismissed the application and ultimately, prayed to set aside impugned order and allow the application as prayed for.

4. On the other hand, learned Special PP for ACB appearing for the respondent would submit that the prosecution had completed examination of witnesses on 17.07.2013 and after lapse of many years, the petitioner filed this application to protract the proceedings and the Court below rightly dismissed the application and there are no grounds to set aside the same and ultimately prayed to dismiss the petition.

5. As per the material placed on record, the petitioner/AO filed the list of additional witnesses on 17.07.2013, wherein the name of K.Buchaiah is not included. Thereafter, the petitioner herein was given several opportunities to examine the defence witnesses. However, he did not choose to do so and the trial Court closed the defence evidence. Thereafter, the petitioner/AO filed CrI.MP.No.88 of 2013 to examine another 14 witnesses. The trial Court by an order, dated 21.03.2013, dismissed the said petition by assigning reasons. The record also shows that the petitioner filed applications one after the other and the trial Court dismissed the same. The Calendar Case is of the year 2006. The mandate given under Section 309 I.P.C., is to conduct trial of the criminal cases on day-to-day basis. So, much time has been elapsed from the date of institution of criminal proceedings. Even then, on one application or other application filed by the petitioner, the proceedings are protracted. It is made from the record that the impugned application was filed only to drag on the proceedings. The trial Court, had elaborately dealt with all the contentions raised by the parties and rightly dismissed the application. There is no illegality in the impugned order passed by the trial Court to call for interference of this Court. The application is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

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Dr. SHAMEEM AKTHER, J

APRIL 10, 2019  
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Date:10.04.2019

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