

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1709 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.5 & A.7, to quash the order, dated 18.03.2019, passed in CrI.M.P.No.194 of 2019 in S.C.No.64 of 2016 by the Special Sessions Judge for trial of cases under SCs and STs (POA) Act-cum-Additional District Judge at Khammam, whereby, the petition filed by the petitioners/A.1 to A.5 & A.7 under Section 309 of Cr.P.C., requesting the trial Court to adjourn the trial schedule from 01.04.2019 to any other day in the month of May, 2019, was dismissed.

2. Heard the learned counsel for the petitioners/A.1 to A.5 & A.7, the learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. It has been contended on behalf of the petitioners/A.1 to A.5 & A.7 that the accused No.6, who is the husband of the petitioner/A.7 and relative of the rest of the accused facing trial, died in an accident on 13.03.2019. The trial Court, in the impugned order, held that there was gap of 17 days in between the death of A.6 and commencement of trial schedule, which is sufficient to the petitioners/A.1 to A.5 & A.7 to proceed with the trial of the case.

4. It is not in dispute that the petitioner/A.7 is the wife of A.6, (who died in an accident on 13.03.2019). There is also no dispute

that the rest of the accused facing trial are the relatives of the deceased A.6. When a person dies, certain death ceremonies are required to be performed, particularly by the widow and children. Certainly it causes impediment to the petitioners/A.1 to A.5 & A.7 to proceed with the trial of the case, which is scheduled to be commenced on 01.04.2019. In the given circumstances, the trial Court ought to have adjourned the schedule of trial of the subject Sessions Case and accommodate the petitioners/A.1 to A.5 & A.7 to a different date.

5. Under these circumstances, the Criminal Petition is allowed and the impugned order is quashed. The commencement of trial in Sessions Case No.64 of 2016 on the file of the Special Sessions Judge for trial of cases under SCs and STs (POA) Act-cum-Additional District Judge at Khammam, is adjourned from 01.04.2019 and the trial Court may fix any date in the month of June, 2019, and commence the trial in the subject Session Case.

Pending miscellaneous petitions, if any, shall stand closed.

28th March, 2019
Bvv

Dr. SHAMEEM AKTHER, J