

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Writ Petition No.10580 of 2007

ORDER :

Heard arguments of the respective petitioners in the Writ Petition and Revision Petition at length.

The only issue involved is from the very formulation in granting the interim order of the Writ Petition as to whether the trial Magistrate can proceed with trial. When considering the objection raised by accused as to second FIR and trial conducted thereafter, stands scrutiny of law, once such is the case, there is nothing to keep the Writ Petition pending, but for giving liberty to raise such issue before the trial court if charges already not framed, by filing discharge application to consider that aspect also and if at all any charge framed, by filing application U/s.216 Cr.P.C.

With these observations, the Writ Petition is disposed off for the Magistrate to decide on own merits before proceeding with the trial.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 01.02.2019

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Writ Petition No.10580 of 2007

1st February, 2019

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