

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13078 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/*de facto* complainant seeking to quash the order, dated 17.09.2018, passed in CrI.M.P.No.1004 of 2018 in C.C.No.440 of 2015 on the file of Special Judicial Magistrate of First Class (Excise), Karimnagar.

2. Heard the learned counsel for the petitioner/*de facto* complainant, the learned Additional Public Prosecutor appearing for the 1st respondent-State and perused the record. In spite of service of notice, there is no representation on behalf of the 2nd respondent-accused.

4. It has been contended that though photographs with CD, FIR, charge sheet and diary pertaining to the year 2012 of the accused were filed to support of the case of the petitioner, the Court below without any justifiable reason, dismissed the application and ultimately, prayed to set aside the impugned order, dated 17.09.2018.

5. On the other hand, learned Additional Public Prosecutor for the 1st respondent-State supported the case of the petitioner/*de facto* complainant.

6. As seen from the material placed on record, accused Nos.1 to 3 were examined on 04.10.2013 and charges under Sections

498A, 420 and 506 read with 34 I.P.C. and Section 4 of the Dowry Prohibition Act, 1961 were framed against them. On 27.12.2017, L.W.1 was examined as P.W.1 in-part and thereafter, the matter went on several adjournments.

7. The application to receive the aforesaid documents was filed by the petitioner-*de facto* complainant on 12.04.2018 i.e., five years after institution of criminal proceedings against the accused Nos.1 to 3. No justifiable explanation had been given by the petitioner with regard to delay in filing the documents.

8. Under these circumstances, the trial Court, having assigned reasons, dismissed the application to receive those documents. There is no illegality in the impugned order passed by the Court below to call for interference of this Court. There are no justifiable reasons to set aside the impugned order.

9. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

APRIL 10, 2019
YVL

Dr. SHAMEEM AKTHER, J

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Date:10.04.2019

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