

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 4636 OF 2020

Between:

Mohammed Taher Khan, S/o. Mohammed Habeeb, Aged about 35 years, Occ: Pvt. Employee, R/o. 19-2-21/23/54/A, Bashrath Nagar, Charminar, Hyderabad.

...PETITIONER/ACCUSED No.5

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...RESPONDENT

2. D. Srinivas Reddy, S/o. Not known to the Petitioner, Aged about 69 years, Occ: RDO Hyderabad Division, Hyderabad, Telangana.

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Crime No. 689 of 2019 on the file of PS CCS, Hyderabad registered U/Secs. 66C, D of ITA Act 2008 and Sec. 419, 420 of IPC.

I.A. NO: 1 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the Certified copy of Crime No. 689 of 2019 on the file of PS CCS, Hyderabad registered U/Secs. 66C, D of ITA Act 2008 & Sec. 419, 420 of IPC.

I.A. NO: 2 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in Crime No. 689 of 2019 on the file of PS CCS Hyderabad registered U/Secs. 66C, D of ITA Act 2008 & Sec. 419, 420 of IPC.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri U. V. Suresh Kumar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1

The Court made the following ORDER:

1

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4636 OF 2020

ORDER:

This petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.689 of 2020 on the file of police, CCS, Hyderabad. The petitioner is A.5 in the above said crime. The offences alleged against the petitioner are under Sections 66-C, D of the Information Technology Act, 2008 and Sections 419 and 420 IPC.

2. Heard Sri U.V.Suresh Kumar, learned counsel for the petitioner, learned Assistant Public Prosecutor and perused the record.

3. The petitioner herein filed an application under Section 438 of Cr.P.C. vide CrI.P.No.74 of 2020 before this Court seeking anticipatory bail. The said petition was dismissed vide order dated 10.01.2020, however directing the petitioner to surrender before the Court concerned within three weeks from the date of the order and move an application for bail and the Court below shall consider and pass appropriate orders in accordance with law. It is relevant to note here that the said order was on 10.01.2020 by which time there was no Covid and Lockdown restrictions were imposed either by the State or by the Central Government. The petitioner herein instead of surrendering before the Court concerned, as per the order, dated 10.01.2020 passed in CrI.P.No.74 of 2020 by this Court, filed another application vide CrI.P.No.2743 of 2020 under Section 482 Cr.P.C, to quash the proceedings in Cr.No.689 of 2019, the present crime. This Court disposed of the said application vide order dated 13.07.2020, directing the petitioner to surrender before the Court concerned, on or

before 07.08.2020 positively. The petitioner herein in stead of surrendering before the Court concerned in compliance of the said order, dated 13.07.2020, again filed the present application, once again seeking to quash the very same proceedings in Cr.No.689 of 2019 which is clear abuse of process of law. The petitioner did not mention any reason for filing the second application. He has not filed any application seeking extension of time. Therefore no leniency shall be shown to the petitioner herein.

4. As stated above, though this Court granted time till 07.08.2020 positively to surrender before the Court concerned, the petitioner failed to do so. But there is no explanation much less plausible explanation offered by him for non-compliance of the said orders. He has filed this application leisurely on 24.09.2020. There is no explanation for the said lethargic attitude of the petitioner herein. Therefore, this Court is not inclined to grant the relief to the petitioner as prayed for.

5. Therefore, the Criminal Petition is dismissed.

At this stage, Sri UV Suresh Kumar, the learned counsel for the petitioner seeks a week's time to the petitioner, to surrender before the Court concerned, and move an application for regular bail application.

Considering the said request, a week's time from today is granted to the petitioner to surrender before the Court below and move an application for regular bail. The Court concerned shall pass order in the said application in accordance with law.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, CCS Police Station, Hyderabad.
3. One CC to Sri U. V. Suresh Kumar, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies.

MP

HIGH COURT

DATED:08/10/2020



ORDER

CRL.P.No.4636 of 2020

DISMISSING THE CRL.P.

7
MEMA
29/10/2020.