

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27979 of 2015

ORDER:

In this Writ Petition, it is asserted by petitioner that based on her complaint, an FIR bearing Cr.No.157 of 2008 came to be registered on 18.05.2008 for the offences punishable under Sections 498-A and 420 IPC read with Section 34 IPC and Sections 4 and 6 of the Dowry Prohibition Act; that after completion of investigation, charge sheet was filed on 29.10.2008 in the Court of XIII Additional Chief Metropolitan Magistrate, Hyderabad; that on receipt of the summons, respondent Nos.5 to 8 filed a Criminal Petition under Section 482 Cr.P.C. before this Court and this Court while dismissing the same, dispensed with the presence of respondent Nos.6 to 8 before the trial Court; that so far as respondent No.5 is concerned, as he is not attending to the Court, he is being shown as absconding and non-bailable warrants were issued by the learned Magistrate; that as the said non-bailable warrants are not executed, the trial Court had split up C.C.No.341 of 2015 and proceeded with the trial and that conducting of trial against the other accused leaving respondent No.5, who is accused No.1, would cause prejudice to her and in such circumstances, she filed this Writ Petition for issuing a direction to the respondent authorities to produce respondent

No.5 in C.C.Nos.254 of 2009 and 341 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

On 01.09.2015, this Court granted interim stay of all further proceedings in C.C.No.254 of 2009.

Along with W.V.M.P.No.3526 of 2015, a counter-affidavit is filed by respondent No.5 specifically stating that he returned to India from London and he was granted bail by the learned V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad, vide order dated 26.08.2015 in CrI.M.P.No.2560 of 2015; that he is also attending to the Court and as a matter of fact, he expressed his readiness to face the trial and it is only on account of the stay granted by this Court, the trial is not in progress, as such, he prays for vacating the interim order dated 01.09.2015 passed by this Court.

Basically, the petitioner's grievance relates to non-appearance of respondent No.5, who is accused No.1 in C.C. No.254 of 2009. However, respondent No.5 specifically stated in his counter-affidavit that he is ready to face the trial. In view of the same, no useful purpose would be served in continuing the interim order of stay by keeping this Writ Petition pending.

Accordingly, this Writ Petition is closed. It is made clear that respondent Nos.5 to 8 shall cooperate with the trial Court with regard to early conducting of the trial, without seeking any adjournment.

Miscellaneous applications, if any pending, shall also stand closed. There shall be no order as to costs.

13th FEBRUARY, 2020.

CHALLA KODANDA RAM, J

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