

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 9447 OF 2023

Between:

1. M. Jeeva Rathnm, S/o late Devadanam Aged. 42 years Occ. Service
2. Mallaarapu Jayamma, W/o. Late Devadanam Aged. 65 yrs, Occ. Household
3. Mallaarapu Elizebeth, D/o. Late Devadanam Aged. 50 years Occ. Spinster
R1 to R3 R/o.12-1-1124, North Lallaguda, Near Water Tank, Shantinagar,
Secunderabad
4. Jeedikanti Rechal, W/o. Jhon Babu H.No. 12-1-1124, North Lallaguda, Near
Water Tank, Shantinagar, Secunderabad
5. Jeedikanti Jhon Babu, H.No. 12-1-1263, North Lallaguda, Near Water Tank,
Shantinagar, Secunderabad
6. Mallaarapu John, S/o. Late Devadanam Occ. Pvt service 10-96/1/3, PVN
Colony, Secunderabad.

...Petitioner/Accused

AND

1. Mallaarapu Roja, W/o. M.Jeeva Rathnam R/o.7-5-218/1, CSP Colony,
Godavarikhani, Ramgundam Mandal, Karimnagar District
2. State of Telangana., Represented by Public Prosecutor, High Court,
Hyderabad.

...Respondent/complainants

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 pass appropriate orders or direction to the court of the learned III Metropolitan Magistrate Hyderabad to dispose of the DVC No. 63 of 2022 pending on the file of the said court as expeditiously as possible within a period of 1 month.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M ANAND KUMAR, Advocate for the Petitioner, Sri S. GANESH, Assistant Public Prosecutor, on behalf of the Respondent No.2 and None appeared for the Respondent No.1

The Court made the following: ORDER

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINIAL PETITION NO.9447 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners to direct the learned III Metropolitan Magistrate, Hyderabad, (hereinafter referred to as 'trial Court') to dispose of DVC No.63 of 2022 as expeditiously as possible within a period of one (1) month.

2. Heard learned counsel for the petitioners and Sri S.Ganesh, learned Assistant Public Prosecutor for the respondent No.2-State and perused the record.

3. It is the contention of learned counsel for the petitioners that originally respondent No.1 filed D.V.C.No.3 of 2015 on the file of Judicial First Class Magistrate, Godavarikhani, against the petitioners; the petitioners filed Tr.Crl.P.No.28 of 2021 seeking transfer of above D.V.C. to any other Court at Hyderabad and this Court by order dated 06.01.2022 transferred the said D.V.C. to the Court of III Metropolitan Magistrate, Hyderabad and the same is re-numbered as D.V.C.No.63 of 2022 and the case was listed for hearing on 13.04.2022 and since then there is no progress at all.

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He further contended that even after a lapse of eight (8) years, the petitioners have to go around the Courts which is causing much inconvenience to them. He further contended that in spite of specific enactment for speedy justice, the trial Court is not proceeding with the case and therefore, prayed to direct the trial Court to dispose of DVC No.63 of 2022 as early as possible.

4. Since speedy trial is one of the remedies available to the parties as guaranteed under Article 21 of the Constitution of India; old DVC is of the year 2015, without going into the merits of the case, this Court deems it appropriate to direct the trial Court to dispose of the DVC at the earliest by taking up the case on day to day basis.

5. Accordingly, the Criminal Petition is allowed, directing the trial Court to dispose of DVC No.63 of 2022, as expeditiously as possible, within a period of four (4) months from the date of receipt of a copy of this order, in accordance with law.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/-V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Godavarikhani.
2. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, Hyderabad.[OUT]
3. One CC to SRI. M ANAND KUMAR, Advocate [OPUC]
4. Two CD Copies

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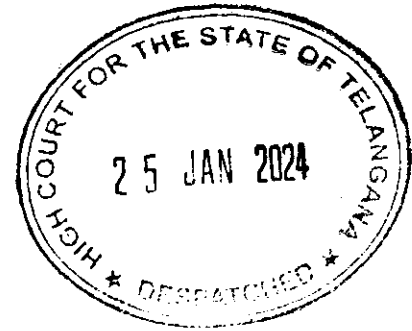
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HIGH COURT

DATED:26/09/2023

ORDER

CRLP.No.9447 of 2023



ALLOWING THE CRIMINAL PETITION

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