

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 1643 AND 2321 OF 2021

CRIMINAL PETITION NO: 1643 OF 2021

Between:

Alakonda Malla Reddy, S/o. Chandra Reddy, Aged about 30 Years, Occ. Software Engineer, R/o. H. No. 4-142, Kappugudem, Bhongir Mandal, Tukkapur, Nalgonda District, Telangana State, Presently residing at Texas, U.S.A.

...Petitioners/Accused No.1

AND

1. The State of Telangana, represented by Women Police Station, Saroornagar, Through Public Prosecutor, High Court, at Hyderabad.
2. Alakonda Anusha, W/o. Malla Reddy, Aged about 24 Years, Occ. Housewife, R/o. Plot No. 4, Vinayak Nagar, Phase - Bagh Hayathnagar, Ranga Reddy District.

...Respondents/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 orders dated. 16.01.2021 in Crl.M.P. No. 526 of 2020 in Crime No. 110 of 2019 in C.C.No. 1374 of 2020 on the file of the Court of V Metropolitan Magistrate, Cyberabad, Ranga Reddy District thereby revoking the Non-Bailable Warrants dated.11.03.2020 issued against the Petitioner/Accused No. 1.

I.A. NO: 1 OF 2021

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 furtherance of issuance of Non-Bailable warrants including execution of the same against the petitioner in C.C.No. 1374 of 2020 on the file of the Court of V Metropolitan Magistrate, Cyberabad, Ranga Reddy District, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N. Naveen Kumar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Veera Babu Gandu, Advocate for the Respondent No.2

CRIMINAL PETITION NO: 2321 OF 2021

Between:

Alakonda Malla Reddy, S/o. Chandra Reddy, Aged about 30 Years, Occ. Software Engineer, R/o. H. No. 4-142, Kappugudem, Bhongir Mandal, Tukkapur, Nalgonda District, Telangana State, Presently residing at Texas, U.S.A,

...Petitioner/Accused No.1

AND

1. The State of Telangana, represented by The Station House Officer Women Police Station Saroornagar, Through Public Prosecutor, High Court, at Hyderabad.
2. Regional Passport Officer, Passport Office, Hyderabad
3. Alakonda Anusha, W/o. Malla Reddy, Aged about 24 Years, Occ. Housewife, R/o. Plot No. 4. Vinayak Nagar, Phase II, Bagh Hayathnagar, Ranga Reddy District.

...Respondents/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 call for the records in relating to Order dated. 24.11.2020 in C.C.No.1374 of 2020 vide L.r.Dis.No.762 of 2020 on the file of the Court of V Metropolitan Magistrate, Hyderabad, Ranga Reddy District, including proceedings vide Proc.No. HYD/30/POL/PCC/399/2019 issued by the Respondent No.2 dated,16.12.2020.

I.A. NO: 1 OF 2021

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 furtherance of Orders dated.24.11.2020 in C.C.No. 1374 of 2020 vide Lr.Dis.No.762 of 2020 on the file of the Court of V Metropolitan Magistrate, Cyberabad, Ranga Reddy District including proceedings vide Proc.No. HYD/30/POL/PCC/399/2019 issued by the Respondent No.2 dated,16.12.2020 pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N. Naveen Kumar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent Nos.1 and 2 and of Sri Veera Babu Gandu, Advocate for the Respondent No.3

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION Nos.1643 AND 2321 OF 2021

COMMON ORDER:

Crl.P.No.1643 of 2021 is filed to quash the order dated 16.01.2021 passed in Crl.M.P.No.526 of 2020 in Crime No.110 of 2019 in C.C.No.1374 of 2020 by the learned V Metropolitan Magistrate, Cyberabad, Ranga Reddy District (for short, Court below), while Crl.P.No.2321 of 2021 is filed to quash the order dated 24.11.2020 passed in C.C.No.1374 of 2020 by the Court below.

Heard Sri N.Naveen Kumar, learned counsel for the petitioner, Sri Veera Babu Gandu, learned counsel appearing for the second respondent and the learned Public Prosecutor in both the criminal petitions.

Perused the record.

The petitioner in both the Criminal Petitions is the first accused in C.C.No.1374 of 2020. The offences alleged against him are under Sections 498-A, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

The Investigating Officer in the said crime, after completion of investigation, filed charge-sheet showing the petitioner herein as absconding since he is in U.S.A. In the entire charge-sheet, there is no mention that the Investigating Officer has made efforts to serve notice under Section 41-A Cr.P.C., on the petitioner herein. Admittedly, the petitioner herein is in U.S.A. Basing on the contents of the charge-sheet, the Court below has issued non-bailable warrants

against the petitioner herein. Learned counsel for the petitioner by referring to Section 73 Cr.P.C. would submit that the Court below, without considering the three grounds on which non-bailable warrants can be issued, has issued NBWs against the petitioner herein.

As per Section 73 Cr.P.C., the Chief Judicial Magistrate or a Magistrate of the first class may direct a warrant to any person within his local jurisdiction for the arrest of any escaped convict, proclaimed offender or of any person who is accused of a non-bailable offence and is evading arrest. Whereas, in the present case, admittedly the petitioner herein is in U.S.A.

Learned counsel for the petitioner, on instructions, would submit that the petitioner is intending to come to India and he will cooperate with the trial Court in the said C.C. He would further submit that the allegations leveled against the petitioner herein are false and baseless and the contents of the charge-sheet lack the ingredients of the offences alleged against him.

The petitioner-A.1 has also filed Criminal Petition No.2321 of 2021 to quash the order dated 24.11.2020 in C.C.No.1374 of 2020 vide Letter Dis.No.762 of 2020 issued by the V Metropolitan Magistrate, Cyberabad. As per the said letter, the Court below had requested the Regional Passport Officer to impound the passport of the petitioner herein bearing No.J98921681. Pursuant to the above proceedings,

the Passport Officer has impounded the passport of the petitioner vide proceedings dated 16.12.2020.

In view of the submission made by the learned counsel for the petitioner that the petitioner herein is intending to come to India and cooperate with the trial Court and also in view of the fact that the Court below without considering the factors under Section 73 Cr.P.C. on which the non-bailable warrants can be issued on the first date of hearing, issued NBWs against the petitioner herein, the Criminal Petition No.1643 of 2021 is allowed and the order dated 16.01.2021 in Crl.M.P.No.526 of 2020 in Crime No.110 of 2019 in C.C.No.1374 of 2020 is quashed. Consequently, the non-bailable warrant issued against the petitioner herein on 11.03.2020 is re-called. Learned counsel for the petitioner would submit that C.C. is posted to 05.05.2021 but the petitioner herein may not appear on the said date in view of the present situation. He would further submit that the petitioner will appear on the next date of hearing after 05.05.2021. Thus, the petitioner herein shall appear before the Court below in C.C.No.1374 of 2020 on the next date of hearing i.e. after 05.05.2021 without contending that he is not having knowledge of the next date of hearing of C.C.No.1374 of 2020. If the petitioner fails to comply with this, learned Magistrate shall take steps in accordance with law.

As discussed above, the non-bailable warrant issued against the petitioner herein is quashed and the same is

re-called. In view of the same and also considering the fact that the petitioner herein is intending to come to India and cooperate with the Court below, the letter dated 24.11.2020 in Lr.Dis.No.762 of 2020 issued by the V Additional Metropolitan Magistrate-cum-V Additional Junior Civil Judge, Cyberabad at L.B.Nagar, and the consequential proceedings dated 16.12.2020 issued by the Regional Passport Officer, Hyderabad, are also quashed. These orders are passed without prejudice to the right of the petitioner-A.1 to challenge the charge-sheet itself. The petitioner-A.1 shall not leave the country without permission of the Court below.

Accordingly, both the Criminal Petitions are allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR
GB
SECTION OFFICER

To,

1. The V Metropolitan Magistrate, Cyberabad, Ranga Reddy District.
2. The Station House Officer, Saroornaga Women Police Station, Ranga Reddy District.
3. The II Metropolitan Magistrate, Cyberabad, Ranga Reddy District.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri N. Naveen Kumar, Advocate [OPUC]
6. One CC to Sri Veera Babu Gandu, Advocate [OPUC]
7. Two CD Copies

MMK

CC

HIGH COURT

DATED:30/04/2021

COMMON ORDER

CRLP.Nos.1643 and 2321 of 2021

BOTH THE CRIMINAL PETITIONS ARE ALLOWED



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✓/Mao
01/05/2021