

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2107 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 22.06.2015 passed in CrI.SR. No.873 of 2015 by the XXIII Metropolitan Magistrate, Cyberabad, Rajendranagar, whereby the learned Magistrate dismissed the complaint of the petitioner.

Heard and perused the material available on record.

The petitioner filed a private complaint complaining that on 24.09.2014 he was grazing his two cows and by mistake the cows went to the noodle factory of the accused and consumed noodles and on seeing that, the accused ordered her employees to beat the cows and tied them in the compound of the factory and did not release them though the complainant requested her. Next day morning the wife and son of the complainant went and requested the accused to release the cows and on that, the accused released the cows. After coming home, the cows did not take any food and on seeing the degrading condition of the cows, the complainant called the veterinary doctor. The doctor examined the cows and told that the cows consumed some poisonous food. Later, the two cows died in the afternoon. Hence, the petitioner filed the private complaint against the accused complaining that his cows died due to consumption of noodles in the factory of the accused. Learned Magistrate dismissed the complaint on the ground that there is no material to take cognizance against the accused for the offences alleged in the complaint and the petitioner failed to take the report from the veterinary doctor showing that the cows died due to consumption of noodles in the factory of the accused.

Learned counsel for the petitioner submitted that the Court below without taking into consideration the statements of the

witnesses and the evidence on record and also without giving an opportunity to the petitioner to file the report from the doctor or other relevant documents, dismissed the application erroneously.

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After hearing the arguments of the learned counsel for the petitioner and considering the facts and circumstances of the case, this Court is of the view that the matter can be remitted to the trial Court to decide afresh, after giving opportunity to the petitioner to file relevant documents and to produce the witnesses, if any.

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Hence, the Criminal Revision Petition is allowed setting aside the order, dated 22.06.2015, passed in CrI.Sr.No.873 of 2015 by the XXIII Metropolitan Magistrate, Cyberabad and the matter is remitted to the trial Court to decide afresh, after considering the documents and the witness, if any, produced by the petitioner, and pass appropriate orders in accordance with law. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 04, 2015.
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