

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1703 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 07.08.2015, passed in CC No.25 of 2013 by the VI Special Magistrate, Kukatpally at Miyapur.

Heard and perused the material available on record.

The petitioner filed a private complaint against the respondents 2 to 5 before the VI Special Magistrate, Kukatpally. Basing on the said complaint, CC No.25 of 2012 (old CC No.278 of 2012) was registered against the respondents 2 to 5 for the offences under Sections 499, 500, 501(b), 506 and 507 IPC. The petitioner filed an application under Section 311 Cr.P.C. to summon the persons whose addresses are mentioned in the documents Exs.P5 and P6 to give evidence in the case. The Court below has passed the following order on 07.08.2015:

“As seen from the record it is clear that this petition was kept pending for want of opinion of handwriting expert, to consider the relief sought in this petition accordingly to the petitioner/complainant. As per the reply given by the handwriting expert vide letter No.DOC/GEN/2015/233, Dt:08.06.2015 which reads as follows:

“The documents have been carefully examined and it is felt that the original of Ex.P5 and P6 documents are required, as the Photostat copies are not suitable for comparison and also requested to send some more admitted signatures of “Hari Sridhar” written in the normal course of business for comparison”.

Therefore, now the question of obtaining the some more signatures written in normal course by the “Hari

Sridhar”, is not possible by this Court. Hence, in my opinion when it is not possible to send some more signatures to the handwriting expert, the question of calling the persons whose addresses are mentioned in documents Ex.P5 and Ex.P6, does not arise. Hence, I do not find any reason to entertain this petition and the same is dismissed accordingly.”

Aggrieved by the above order, this revision case is filed.

Learned counsel for the petitioner submitted that the order passed by the trial Court is not related to the prayer made by the petitioner in the application and the learned trial Judge has not recorded any reasons for dismissing the application and the reasons given by the learned Magistrate are totally unsustainable under law.

After perusal of the order of the trial Court, this Court is of the view that as rightly pointed out by the learned counsel for the petitioner, the learned Magistrate has not passed the order on the basis of the petition filed by the petitioner and without mentioning any reasons, the trial Court dismissed the application filed by the petitioner under Section 311 Cr.P.C.

Hence, this Court is inclined to pass the following order:

The trial Court is directed to pass appropriate orders on the petition filed under Section 311 Cr.P.C., by the petitioner.

If the petitioner is aggrieved by the order passed by the trial Court in the said application, he is at liberty to approach this Court.

With the above directions, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 24, 2015.
KTL