

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4092 of 2015

ORDER :

The Criminal Petition is filed by the petitioner/defacto-complainant under Section 482 Cr.P.C seeking to set aside the order dated 16.04.2015 in Crl.R.P.No.3 of 2015 on the file of Principal Sessions Judge, Kurnool in which the learned Sessions Judge confirmed the order dated 16.12.2014 in Crl.M.P.no.1274 of 2013 in Crime No.129 of 2014 of the learned Judicial Magistrate of the First Class, Kurnool.

2) Heard both sides at length and perused the material on record including the impugned orders of the learned Magistrate vis-à-vis the learned Sessions Judge while confirming the same in dismissing the petition in view of the rival claims over the property.

3) However, it is made clear that though there is nothing for this Court by invoking inherent jurisdiction under Section 482 Cr.P.C to interfere with the impugned order, does not a bar for filing of fresh petition(s) of the case pending with learned Magistrate for committal in the event of its committal to the Court of Session and hearing of charges and taking up any trial either by the Court of Session or if send back under Section 228 Cr.P.C for any reason as triable by Magistrate as the learned Magistrate

concerned.

4) With the above observations, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

03.11.2015
ksh