

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.752 of 2015

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ORDER:

1. This revision is filed by the petitioner-accused against the order dated 20.2.2014 passed by the Special Judicial Magistrate of First Class Mobile (PCR) Court, Adilabad in C.C.No.147 of 2014.

2. Brief facts of the case are as follows:

On the complaint lodged by the 2nd respondent before the Inspector of Police, Adilabad, a case in Cr.No.37 of 2013 was registered for the offence under Section 447 IPC and the petitioner was arrayed as accused therein. After completion of the investigation, a final report was filed referring the case as mistake of fact. Aggrieved over the same, the 2nd respondent-complainant filed a protest petition before the learned Magistrate to take cognizance of the case against the petitioner herein. The learned Magistrate took cognizance of the case for the offence under Section 447 IPC against the petitioner. Hence, the petitioner approached this Court.

3. Even though notice was served on the 2nd respondent, none appeared on behalf of the 2nd respondent.

4. Heard and perused the material available on record.

5. As rightly pointed out by the learned Counsel for the petitioner, if the learned Magistrate wants to take cognizance of the case against the petitioner, that too, on the basis of the protest petition, a speaking order should be passed and reasons should be mentioned therein. The order under revision does not disclose any such reasons. Therefore, this Court is of the view that the order under revision is not sustainable under law and the same is liable to be set aside.

6. Accordingly, the Criminal Revision Case is allowed setting aside the order impugned herein. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 4.6.2015

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