

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No. 1814 of 2015

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ORDER:

The present revision is preferred against the order dated 16.06.2015 in CrI.SR.No.528 of 2015 on the file of the XXIII Metropolitan Magistrate, Cyberabad, at Rajendranagar.

The petitioner herein filed a complaint under Section 200 Cr.P.C seeking to refer the matter to the police under Section 156(3) Cr.P.C for the offences punishable under Sections 420, 464, 468 and 471 I.P.C. By the order under revision, the learned Magistrate dismissed the complaint.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the record.

On receipt of the complaint invoking the provision under Section 200 Cr.P.C, it is necessary for the Court below to record the sworn statement of the complainant and thereafter to decide the issue on merits. However, in the instant case, the learned Magistrate without recording the sworn statement of the complainant and the witnesses, if any, produced by the complainant, passed the impugned order dismissing the complaint. The order of the learned Magistrate is erroneous in law.

In the circumstances, the impugned order is set aside and the matter is remitted to the Court below for fresh consideration. The Court below is directed to pass appropriate orders after recording the sworn statement of the complainant and the witnesses, if any, produced by the complainant.

The Criminal Revision Case is accordingly disposed of.

Justice Raja Elango

Date: 21.09.2015

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HON'BLE SRI JUSTICE RAJA ELANGO

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