

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2321 of 2014

ORDER:

This Criminal Revision Case is filed by the petitioner-complainant under Sections 397 & 401 Cr.P.C., against order, dated 30.10.2014, passed in C.F.R. No.4437 of 2014 by the Judicial Magistrate of First Class, Punganur, Chittoor District, wherein the learned Magistrate dismissed the complaint filed by the petitioner.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the order passed by the learned Magistrate is illegal and improper and the learned Magistrate has not followed the procedure as per Cr.P.C., and without examining the complainant, the learned Magistrate has passed the order dismissing the complaint.

When a complaint is filed invoking the provisions under Section 200 Cr.P.C., it is the mandatory duty of the Magistrate to record the sworn statement of the complainant and also to examine the witnesses, if any produced on behalf of the complainant and, thereafter, it is left open to the Magistrate to take cognizance of the case or to reject to take cognizance.

Therefore, considering the facts and circumstances of the case, the Court below is directed to restore the complaint on file and examine the complainant and record his sworn statement and pass appropriate orders.

With the above observations, this criminal revision case is

disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

December 03, 2015.
KTL