

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.R.C.No.2560 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the docket order of the learned II-Additional District Judge-cum-Metropolitan Sessions Judge, Vijayawada, dated 20.03.2013 passed in C.F.No.15 of 2013 in C.C.No. Nil of 2013.

Brief facts of the case are that the petitioner-complainant filed a private complaint under Sections 190 and 200 Cr.P.C. against respondents 2 to 5/accused for the offence punishable under Section 5 of the A.P. Protection of Depositors of Financial Establishment Act 1999 (for short "the Act") before the Court below on 28.12.2012. Registry of the Court below, on 02.01.2013, returned the private complaint with a direction to the complainant to approach the competent authority under Section 3 of the Act. Thereafter, the petitioner-complainant resubmitted the private complaint stating that the complaint is maintainable on the ground that each depositor being an aggrieved person can directly file a separate complaint and that there is no prohibition in the Act that an aggrieved person cannot file a criminal complaint but only the competent authority under the Act is entitled to file such a complaint against the accused. Finally, the Court below returned the private complaint on 20.03.2013 holding that the objection raised by the office on 02.01.2013 holds good.

Having heard the learned Counsel appearing on either side and upon perusing the entire material available on record, this Court is of the considered view that the Court below has returned the private complaint filed by the petitioner-complainant without appreciating the facts and circumstances and without assigning any reasons as to how the complaint is not maintainable against the accused. The petitioner-complainant may be given an opportunity of hearing to represent its case. The Court below ought to have passed a speaking order while rejecting the private complaint.

In the aforementioned circumstances, the impugned docket order passed

by the Court below is set aside and the petitioner is directed to resubmit the private complaint before the Court below and, in such an event, the learned Judge shall pass a speaking order as to the maintainability or otherwise of the private complaint after affording an opportunity of hearing to the learned Counsel for the petitioner-complainant.

Accordingly, the Criminal Revision Case is allowed. Registry is directed to return the original private complaint filed by the petitioner in this revision to the learned Counsel for the petitioner so as to enable him to resubmit the same before the Court below.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

17-11-2015

Gsn