

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2309 of 2014

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ORDER:

This Criminal Revision Case is filed by the petitioner-accused against the docket order dated 11.11.2014 passed by the Judicial First Class Magistrate, Bhadrachalam, Khammam District in Crl.M.P.No.4560 of 2014 in C.C.No.89 of 2014.

Heard and perused the material available on record.

The petitioner-accused filed the above Crl.M.P. seeking to send the original cheque to an expert for opinion as to the age of the writings on the cheque and the age of the signatures of the accused. The learned Magistrate after numbering the application returned the same observing as follows:

“How this petition is maintainable and file the material whether there is any technical mechanism available to determine the age of the paper and age of the ink. Explain as to how the examination and determination of age of paper and ink or relevant to defence of the accused. File legal position in respect of determination of age of paper and ink.”

Considering the above facts and circumstances of the case, this Court is of the view that if the trial Court intended to return the above Crl.M.P. filed by the petitioner, it should have returned even prior to numbering it. Since the application had already been numbered and the notice was also given to the other side, the trial Court should not have returned the application.

In the above circumstances, the trial Court is directed to give an opportunity to the respondent to file counter, if any, and to pass speaking order, on the above Crl.M.P. after hearing both sides on the contentions raised in the application, and the counter, if any filed by the respondent.

With the above direction, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

16.6.2015

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