

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.12267 OF 2015

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to set aside the order dated 05.11.2015 in CrI.M.P.No.2741 of 2015 in C.C.No.216 of 2015 on the file of the X Special Magistrate, Hyderabad, whereby the Court below dismissed the petition filed by the petitioner/accused to summon the investigating officer concerned.

Heard and perused the material available on record.

This Court is of the view that the learned trial Judge has passed the order without discussing any of the contentions raised by any of the parties on the petition filed by the petitioner invoking Sections 311 and 254(1) and (2) of the CrPC. The trial Judge merely recorded the contentions of the petitioner as well as the respondent, but has not given any reasons for dismissing the miscellaneous petition and he simply observed in paragraph 8 of the order as *“from the aforesaid discussion and reason stated therein I find that the petition is devoid of merits”*.

In view of the above, the order, dated 05.11.2015 passed in CrI.M.P.No.2741 of 2015 in C.C.No.216 of 2015 on the file of the X Special Magistrate, Hyderabad, is hereby set aside and to restore the CrI.M.P.No.2741 of 2015 on its file and the Court below is directed to hear both the parties and also peruse all the documents filed by either of the parties and to pass reasoned order in accordance with law.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

06.04.2016

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