

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2412 of 2016

ORDER:

The present revision is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), questioning the docket order dated 01.09.2016 passed in C.C.No.592 of 2016 on the file of XV Metropolitan Magistrate, Cyberabad at Medchal by taking cognizance against the petitioners for the offences punishable under Sections 494, 420, 201 read with Section 109 of IPC.

Though various grounds are raised, the only ground urged by the learned counsel for the petitioners is that since the Court below passed the impugned order without application of mind to the facts of the case, the order under challenge needs to be set aside. He further submits that the issue identical to the case on hand has come up for consideration before the Apex Court in *P.S.Beherhomji Vs. K.T.Vijay Kumar and others*¹, wherein it has held as under:

“It is equally well settled that summoning of an accused in a criminal case is a serious matter and the order taking cognizance by the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto”.

In view of the judgment of the Apex Court referred to above, the order under challenge is set aside and the Court below is directed

¹ (2015) 1 SCC 788

to pass orders showing application of mind to the case while taking cognizance of the case against the petitioners.

With the above direction, the Criminal Revision Case is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Revision Case, shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

26.09.2016
vnb

