

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE NO.84 OF 2016

ORDER:

This revision case is filed by the petitioner-complainant aggrieved by the order dated 14.12.2015 passed by the Additional Judicial First Class Magistrate, Gudivada, in C.F.No.8245 of 2015.

The petitioner filed a complaint before the learned Magistrate seeking to refer the same to CBCID, Vijayawada, Krishna District under Section 156(3) Cr.P.C. so as to investigate into the matter viz., with regard to commission of offence by A1 to A8 punishable under Sections 445, 456, 166, 201, 211, 342, 500 and 506 r/w 120(B) IPC. The learned Magistrate dismissed the said complaint on the ground that the learned Magistrate is not empowered to refer the matter to CBCID. Aggrieved by the same, the petitioner filed the present petition.

Heard and perused the material available on record.

The present complaint is filed by the petitioner with a prayer to refer the same to CBCID under Section 156(3) Cr.P.C. Even though the learned Magistrate is at liberty to refuse the complaint filed by the petitioner with a prayer to refer the same under Section 156(3) Cr.P.C., but once a complaint is filed, if the learned Magistrate was not inclined to refer the matter invoking the provisions under Section 156(3) Cr.P.C., the Magistrate should have examined the complainant and other witnesses and pass appropriate orders. The procedure followed by the learned Magistrate is not in accordance with law.

In the above circumstances, the order dated 14.12.2015 passed by the learned Additional Judicial First Class Magistrate, Gudivada in C.F.No.8245 of 2015 is set aside. Consequently, C.F.No.8245 of 2015 is restored. The learned Magistrate is directed to examine the complainant and the witnesses, if any produced by the complainant, and pass appropriate orders.

Accordingly, the Criminal Revision Case is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 8.6.2016
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