

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40183 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent to file the charge sheet in C.C.No.40 of 2016, on the file of XXII Metropolitan Magistrate, at Ibrahimpatnam, Cyberabad, Hyderabad, on the complaint of the 3rd respondent, as illegal and arbitrary.

The case of the petitioner is that the 3rd respondent lodged the present complaint before the 2nd respondent, which was registered as Crime No.237 of 2015, and the same was numbered as C.C.No.40 of 2016, on the file of the XXII Metropolitan Magistrate, at Ibrahimpatnam, Cyberabad, Hyderabad, on filing of the charge sheet, alleging that the petitioner took a hand loan for an amount of Rs.2,00,000/- from the 3rd respondent by keeping his original pattadar pass book and failed to return the same and when the petitioner issued a cheque, the same was returned as 'Account Closed' and when the 3rd respondent personally approached the petitioner on 15.09.2016 and demanded for repayment of the said amount, the petitioner threatened the 3rd respondent with dire consequences and abused him in filthy language. The main grievance of the petitioner is that if the petitioner is subjected to trial, he shall be put to heavy and irreparable loss and injury.

Learned counsel for the petitioner submitted that without giving a chance to the petitioner to place his submission regarding framing of charge, the trial Court has framed charges and hence, the petitioner prays to direct the learned Magistrate to hear the petitioner and shall frame charges.

Considering the grievance of the petitioner and the submissions of the learned counsel for the petitioner, the XXII Metropolitan Magistrate,

at Ibrahimpatnam, Cyberabad, Hyderabad, is directed to hear the petitioner and shall frame charges, in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 22nd November, 2016

KL

