

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.266 of 2016

ORDER:

This revision is preferred challenging the docket order dated 17.10.2015 in Copy Application No.17957 of 2015 in Crime No.142 of 2007, by the I Metropolitan Magistrate at Vijayawada, Krishna District, whereby the learned Magistrate has returned the copy application filed by the petitioner.

Heard and perused the material available on record.

The Petitioner filed a private complaint under Section 200 Cr.P.C., before the I-Metropolitan Magistrate, Vijayawada against the accused. The learned Magistrate referred the same to the S.H.O., Kankipadu Police Station, Vijayawada, and the police registered the same as Crime No.142 of 2007 and after completion of the investigation, the police referred the same as false. Aggrieved over the same, the petitioner filed a protest petition before the learned Magistrate. He filed copy application before the learned Magistrate, for issuance of a copy of the said protest petition vide Copy Application No.17957. The learned Magistrate has returned the same vide order, dated 17.10.2015, by endorsing as follows:

“(1) Date of Protest petition not noted.

(2) The protest petition is misplaced and not traced in the record. Hence, returned.”

Aggrieved over the above order, the present revision is filed.

Learned Counsel for the petitioner submitted that as a counter blast to the case filed by the petitioner, the accused filed a case which was numbered as CC No.1218 of 2008 on the file of the same Court i.e. I-Metropolitan Magistrate, Vijayawada and the

learned Magistrate without considering the request of the petitioner for stoppage of the proceedings in the above CC, has erroneously returned the application of the petitioner for want of the protest petition, which causes much inconvenience to the petitioner.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that the revision can be disposed of with the following directions:

The petitioner is directed to file a fresh copy application for issuance of a copy of the protest petition by mentioning the date of the said protest petition, if he is aware of the date, before the Court below and the Court below is directed to verify the records and take all efforts to find out the said protest petition and issue a copy of the same to the petitioner. The said exercise should be completed on or before 30th March, 2016. If the Court below fails to provide any copy of the said protest petition, the petitioner is at liberty to approach this Court.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the Miscellaneous Petitions pending, if any, in this revision shall stand closed.

RAJA ELANGO, J

January 28, 2016

KTL