

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.14691 OF 2016

ORDER:

This petition is filed challenging the order dated 28-8-2016 returning the protest petition filed by the petitioner raising the following objections:

1. *How this protest petition is maintainable when the police filed charge sheet against both accused for the offence under Sections 504, 324 and 323 r/w 34 of I.P.C. and this court also took cognizance for said offences against both accused and numbered as C.C.No.343 of 2016 on the file of this court.*
2. *How protest petition is maintainable under Section 200 Cr.P.C.*
Hence, may be returned.

Instead of explaining maintainability of the protest petition before the Magistrate, the petitioner approached this court challenging the return endorsement of judicial Magistrate in C.C.No.343 of 2011.

Normally, procedure is that when court took objection and returned the protest petition, it can be represented by complying objection and in the present case, nothing prevented the petitioner to represent the protest petition after explaining the maintainability of the petition. Therefore, petitioner is directed to represent after compliance of the objection taken by the court while returning petition and on such representation, court is directed to pass appropriate reasoned order.

With the above direction, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 19-10-2016.

Dvs.



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Dated 19-10-2016.

Dvs