

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16045 OF 2016

ORDER:

This Criminal Petition is filed seeking a direction against the II Additional Judicial I Class Magistrate, Eluru to entertain application filed in CrI.M.P.(SR) No.4516 of 2016 in Cr.No.272 of 2016 and dispose of the same in accordance with law.

It is evident from the order dated 25-10-2016 on the application filed while returning the same, the petitioner was asked to explain as to how the application is maintainable when this court not passed any order for return the goods i.e., Beer Bottles and again represented to return on 2-11-2016 with the following analysis.

*"Petition was returned on 25-10-2016 on the ground of maintainability. No sufficient ground in the representation of the petitioner to entertain the petition. Hence returned."*

Petitioner represented the petition citing certain judgments referred in the representation dated 4-11-2016 but the learned Magistrate did not consider the principles laid down in those judgments and did not pass appropriate order. In view of the request made by the petitioner to this court, II Additional Judicial Magistrate of I Class, Eluru is directed to consider the representation dated 4-11-2016 and if the court finds that petition can be entertained, the court can register M.P. and pass appropriate orders in accordance with law within one month from the date of receipt of a copy of this order after affording opportunity to both parties or reject

the petition if found that a petition is not maintainable, passing 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.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 16-11-2016.

Dvs.



HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 16-11-2016.

Dvs