

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.13214 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner/respondent seeking to call for the records in CrI.M.P.No.935 of 2016 in C.C.No.55 of 2013 on the file of the Judicial First Class Magistrate, Mummidivaram of East Godavari District and quash the said proceedings.

Heard the learned counsel for the petitioner/respondent and the learned Public Prosecutor and perused the material available on record.

The 2nd Respondent/petitioner therein filed CrI.M.P.No.935 of 2016 in C.C.No.55 of 2013 on the file of the Judicial First Class Magistrate, Mummidivaram, under Sections 91, 243(2) and Section 311 of Cr.P.C. to receive the enclosed documents on his behalf and mark as exhibits on his behalf. The learned Magistrate, after hearing both the counsel, allowed the said petition.

The court below has rightly held that the 2nd respondent/petitioner therein has every right to disprove the case of complainant and that being the trial court, opportunity should be given to both parties to prove their respective cases by adducing sufficient evidence. No prejudice will be caused with regard to documents in the event of their tendering into evidence. Therefore, there are no merits in the Criminal Petition and it is accordingly dismissed.

However, the learned Judicial First Class Magistrate, Mummidivaram, is directed to dispose of C.C.No.55 of 2013 positively within a period of three months from the date of receipt of a copy of the order.

Miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

16.09.2016

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