

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.495 of 2016

JUDGMENT

This revision is directed against the order dated 28.01.2016 passed in D.V.C.No.5 of 2014 on the file of XIV Metropolitan Magistrate, Cyberabad, L.B.Nagar.

2. The first respondent herein filed DVC No.5 of 2014 against the petitioner and unofficial respondents. During the pendency of the said case, by the order impugned, the trial Court appointed an advocate commissioner to visit the hotel Comfort Inn, Paradise and also Swagath Hotel, Chinthalakunta, Hyderabad, record the evidence of management persons of said hotels and to verify bills pertaining to the months of August, 2015 to October, 2015 and later on 27.10.2015 and collect the relevant bills and submit the report before the Court. Challenging the same, the petitioner filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioner contended that even before commencement of trial, the trial Court appointed the advocate commissioner without giving any reasons for such appointment and without there being any petition filed by the parties.

5. As seen from the order impugned, it is evident that at request of the first respondent/complainant, the trial Court

appointed the advocate commissioner to visit the hotels, record the evidence of persons concerned and verify the bills. It does not disclose any reasons for such appointment. Whenever the appointment of commissioner is not by the consent of the parties, the Court must record reasons for such appointment. Therefore, the order impugned is liable to be set aside and is accordingly set aside. The trial Court is directed to pass a detailed order incorporating the reasons for appointment of the advocate commissioner.

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

JUSTICE RAJA ELANGO

11th February, 2016

sj