

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4560 OF 2016

ORDER:

1. This Criminal Petition is filed by the petitioners-accused challenging the order dated 24.3.2016 passed in CrI.M.P.No.604 of 2016 in C.C.No.206 of 2015 by the II Special Magistrate, Kukatpally at Miyapur.

2. The petitioners are facing trial in the above C.C. for the offence punishable under Section 138 of the Negotiable Instruments Act. In the above C.C., the petitioner filed the above CrI.M.P. under Section 311 Cr.P.C. seeking to reopen the evidence of P.W.1 for further cross-examination. The trial Court dismissed the above CrI.M.P. Hence, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. The order under challenge is as follows:

“Order pronounced. Notice given. Reported no counter. Heard both sides. Reopen petition is dismissed. Hence, this petition is dismissed.”

5. It is to be noted that if any application is filed by either of the parties, it is the duty of the Court concerned to state the contents in the application and the reasons either for dismissal or for allowing such application. In the instant case, the order under challenge does not disclose any such reasons for dismissal of the application filed by the petitioner.

6. In the above circumstances, the Criminal Petition is disposed of with the following directions:

- i) The order dated 24.3.2016 passed in CrI.M.P.No.604 of 2016 in C.C.No.206 of 2015 by the II Special Magistrate,

Kukatpally at Miyapur, is set aside and the above Crl.M.P.No.604 of 2016 is restored.

- ii) The learned Special Magistrate is directed to pass orders afresh in the above Crl.M.P.No.604 of 2016, after giving an opportunity to both the parties. The learned Special Magistrate is directed to assign reasons, while passing the orders afresh in the above Crl.M.P., either to allow or to dismiss the same.
- iii) The learned Special Magistrate is directed not to pronounce the judgment in the above C.C., till disposal of the above Crl.M.P.No.604 of 2016.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 1.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 1.4.2016

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