

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.R.C.No.1643 OF 2014

ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C challenging the docket order, dated 11.07.2014, in CrI.M.P.(SR) No.4165 of 2014 in C.C.No.79 of 2014 passed by the Chief Metropolitan Magistrate, Hyderabad returning the application filed by the petitioner for discharge as not maintainable.

Charge sheet was filed against this petitioner for the offences punishable under Section 5 of the A.P. Protection of Depositors of Financial Establish Act, 1999 (for short 'the Act') and Sections 406 and 420 IPC. The Metropolitan Sessions Judge passed an order in CrI.M.P.No.468 of 2010 on 27.01.2014 holding that no *prima facie* material is found against this petitioner to proceed against him for the offence punishable under Section 5 of the Act, while holding that there is *prima facie* case against the petitioner for the offences punishable under Sections 406 and 420 IPC and made over the matter to the Chief Metropolitan Magistrate to decide the case in accordance with law. The petitioner again filed another petition under Section 239 Cr.P.C with the same relief of discharge for the offences punishable under Sections 420 and 406 IPC on various grounds, though his claim was rejected by the Sessions Judge in CrI.M.P.No.468 of 2010. The trial Court instead of passing appropriate order in accordance with law, returned the said petition as not maintainable. However, the maintainability of the second application for discharge of the petitioner for the offences punishable under Sections 420 and 406 IPC is a question to be

decided by the Chief Metropolitan Magistrate in accordance with law. Instead of deciding the petition by the trial Court, returned the same as not maintainable. Therefore, the Chief Metropolitan Magistrate is directed to decide the maintainability of the said application and pass appropriate order in accordance with law, setting aside the order of return under challenge.

With the above direction the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, pending in the criminal revision case, shall stand closed.

10.10.2017
kvrm



M.SATYANARAYANA MURTHY,J