

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1174 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity), is filed by the petitioner/accused no.1, assailing the docket order, dated 06.02.2017, of the learned II Additional Judicial Magistrate of First Class, Jagtial, passed in P.R.C.No.1 of 2017 (in Crime No.12 of 2016).

2. I have heard the submissions of the learned counsel for the petitioner/accused no.1 and of the learned Public Prosecutor for the State of Telangana appearing for the 1st respondent. I have perused the material record.

3. The learned counsel for the petitioner/accused no.1 submits that the Court below passed the impugned order without assigning any reasons, much less valid reasons, and that a perusal of the order impugned makes it manifest that there is no application of mind to the facts of the case and that the impugned order is liable to be set aside on that ground alone. He would further submit that the issue, which is identical to the issue raised in this Criminal Revision Case, has come up for consideration before the Supreme Court in **P.S.Meherhomji Vs. K.T.Vijay Kumar and others**¹, and that in the said cited case, the Supreme Court held as follows:-

“It is equally well settled that summoning of an accused in a criminal case is serious matter and the order taking cognizance by the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto.”

¹ (2015) 1 Supreme Court Cases 788

Placing reliance on the judgment of the Supreme Court referred to *supra*, the learned counsel for the petitioner further contended that in the case on hand, this Court can exercise powers under Section 482 of the Code, as well, and quash the proceedings/order insofar as taking cognizance and directing issuance of Non Bailable Warrants to the accused, including the petitioner/accused no.1 herein, to remedy the injustice and prevent abuse of the process of the Court.

5. Having regard to the facts of the case on hand and the ratio in the decision of the Supreme Court cited *supra*, this Court is of the considered view that the order under challenge in this Criminal Revision Case is liable to be set aside as the said order, being a non-speaking and unreasoned order, is unsustainable. Accordingly, this Court finds that the revision case can be allowed at the stage of admission with appropriate directions to the Court below.

6. Accordingly, the Criminal Revision Case is allowed and the docket order, dated 06.02.2017, of the learned II Additional Judicial Magistrate of First Class, Jagtial, passed in P.R.C.No.1 of 2017 in Crime No.12 of 2016, is hereby set aside with direction to the Court below to consider the matter afresh and pass a reasoned order as required under facts and in law.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

07th June, 2017
Bvv

M.Seetharama Murthi, J