

HON'BLE SRI JUSTICE S.V.BHATT

CRIMINAL PETITION No.8282 OF 2017

ORDER:

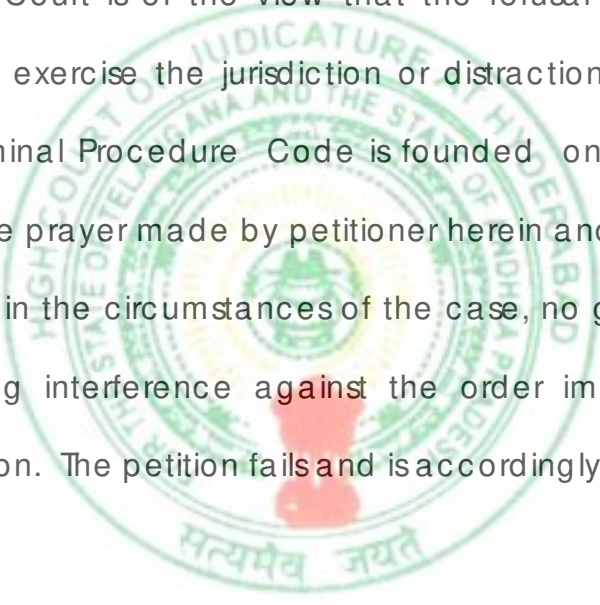
The accused in C.C. No.236 of 2013 in the Court of XI Special Magistrate, Secunderabad at Hyderabad challenges the order of trial Court in Criminal M.P.No.322 of 2016 in the instant criminal petition filed under Section 482 of the Criminal Procedure Code.

The application is filed under Section 254(2) of Criminal Procedure Code for calling the proprietors of Deccan Road Lines and Goel Enterprises to produce the required documents covering the charged framed against petitioner herein in C.C. No.236 of 2013. The 2nd respondent opposed the application. Learned Special Magistrate through the order impugned in the quash petition declined to exercise the discretion and the summary of the reasons recorded by the Special Magistrate is that the present application is filed when the case is ripe for arguments. The case record reveals that CrI.M.P.No.215 of 2015 filed under Section 91 of Criminal Procedure Code for similar relief was rejected by the Court and for the same reasons and for the same purpose, more particularly, without any detail whatsoever, a bald order summoning the proprietors to depose for petitioner herein cannot be passed.

Mr.Babuji Tenneti though does not lay serious challenge to the findings recorded by the Court below, tries to independently persuade this Court that the very purpose of filing the present petition was to find out the genuineness or otherwise of the

documents which are used against the accused herein and even if, the petition does not contain details since the complaint is based on set of averments and documents, the proprietors of two companies if summoned, may be in a position to assist the Court in examining the truth of the charges.

As the submission is slightly different from the case pleaded before the learned Magistrate, I am unable to appreciate the submission. Apart from the fact that the scope under Section 482 of the Criminal Procedure Code is confined to the well established grounds. This Court is of the view that the refusal by the Special Magistrate to exercise the jurisdiction or distraction under Section 254(2) of Criminal Procedure Code is founded on circumstances relevant to the prayer made by petitioner herein and this Court is of the view that in the circumstances of the case, no ground is made out warranting interference against the order impugned in the criminal petition. The petition fails and is accordingly dismissed.


S.V.BHATT,J

Date:18.09.2017

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