

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
Criminal Revision Case No.162 OF 2017

ORDER:

Heard and perused the material on record.

It is the allegation in the revision that despite the proceedings of the Hon'ble High Court dated 25.02. 2015 in ROC No.1848/ E1/ 2014 to decide the Election offences in each district, a particular Magistrate is designated and so far as Karimnagar District is concerned, Special Mobile Court for trial of the cases under PCR Act, is designated and pursuant to which the complaint filed in CF No.2931/ 2016 by the complainant before Special Mobile Magistrate and the same is returned on 22.08.2016 saying it has no jurisdiction to take cognizance but for if at all the institutional Magistrate concerned to take cognizance and make over pursuant to the proceedings of the Hon'ble High Court supra and it is the submission of the learned counsel for the revision petitioner that the act of the learned Magistrate is not correct when there is a specific direction by the Hon'ble High Court.

On perusal of the Section 190 to 192 CrPC, it shows either the Magistrate concerned having the local jurisdiction or the Chief Judicial Magistrate can take cognizance if at all on the application of the accused pointing out lack of jurisdiction from the concerned Magistrate, the Magistrate has to return to the concerned Court and otherwise, the Chief Judicial Magistrate may take cognizance and even make over to any Court if not taken up for trial itself and what the circular instructions show is constitution of special Courts for trial of the Election related offences for the general elections during 2014 and from that circular, there is nothing to show the same is extended for subsequent elections other than general elections.

Having regard to the above and to resolve the controversy, this Court feels it just to direct the Chief Judicial Magistrate concerned, to take cognizance and make over the case to the concerned Court if at all including to the learned Mobile Magistrate, for proceeding according to law.

In the result, the revision is disposed of. There is no order as to costs. Pending miscellaneous petitions, if any in this revision, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:03.02.2017.
Vvr.

