

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1273 OF 2007

JUDGMENT:

The only submission made by the learned counsel for the revision petitioner - accused No.4, Sri Mummaneni Srinivasa Rao, is that the grounds agitated in the application filed under Section 239 of the Code of Criminal Procedure, 1973, so far as the revision petitioner - accused No.4 is concerned, were not at all answered by the learned III Additional Chief Metropolitan Magistrate, Vijayawada.

2. The learned counsel has read the order passed by the learned Magistrate in Criminal M.P. No.855 of 2007 in C.C. No.432 of 2006. His first submission is that the complainant, who is Sub-Inspector of Police, Excise Police Station, himself acted as the investigating officer and, therefore, on this short ground, the petition ought to have been allowed. The second submission made by him that though, there was license, but the learned Magistrate has recorded that it would not authorize to sell the liquor around the clock. The case projected by the Excise Police in the charge sheet is that the revision petitioner - accused No.4 through his employees - accused Nos.1 to 3 was selling the liquor before scheduled hour to open the liquor shop and that appears to be the contravention.

3. The learned Magistrate has not touched the submissions made in the application. Therefore, the learned III Additional Chief

Metropolitan Magistrate, Vijayawada, is directed to examine the grounds taken in the petition and dispose of the petition by passing appropriate order answering the submissions.

4. Accordingly, the Criminal Revision Case is allowed setting aside the order, dated 16.07.2007, passed in Crl.M.P. No.855 of 2007 in C.C. No.432 of 2006 and remitting the petition in Crl.M.P. No.855 of 2007 by restoring it to file. The learned Magistrate is directed to dispose of the said petition, as indicated in the above.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the criminal revision case, stand closed.

November 09, 2017.
Mgr

A. SHANKAR NARAYANA, J

