

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL R.C. NO.2251 OF 2017

ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C. challenging the order, dt.19.07.2017 in CrI.M.P.No.1656 of 2017 in C.C.No.400 of 2016 passed by the XXIV Special Magistrate, at Hyderabad allowing the application filed under Section 254(1) Cr.P.C.

2. The respondent filed petition under Section 254(1) Cr.P.C. to receive the documents filed along with petition i.e. undertaking letter dt.29.06.2016 on the ground that the accused at the time of obtaining hand loan executed letter of undertaking dt.29.06.2016, but at the time of filing complaint and examination-in-chief, the above said document was misplaced at his residence and with great difficulty, all of a sudden the said document was traced out and requested the court to receive the document and mark the same as exhibit on his behalf.

3. It is the contention of the petitioner that the petition was adjourned to 19.07.2017 and the learned counsel for the petitioner could not reach the court in time, but the petition was allowed by the learned magistrate by passing a cryptic order. In fact, there was no reference about the said letter of undertaking dt.29.06.2016 either in the complaint or in the affidavit filed along with the complaint and examination-in-chief of PW-1, but it was suddenly invented and brought on record giving some fictitious reason and therefore, such document cannot be received and that the trial Court passed a cryptic order of one sentence, it cannot be sustained and prayed to set aside the same.

4. As seen from the order it is only one line order which is cryptic in nature. Without assigning any reason, the impugned order is unsustainable as it is not conveying any reason for allowing such petition. Therefore, such cryptic order cannot be sustained and at the stage of admission, the revision case is allowed directing the trial Court i.e. XXIV Special Magistrate, at Hyderabad to receive the counter and decide the matter in accordance with law giving reasons either for allowing or dismissing the petition filed under Section 254(1) Cr.P.C. after affording reasonable opportunity to both parties to the petition.

5. With the above direction, the revision case is allowed at the stage of admission.

Miscellaneous petitions, if any, pending in this case shall stand closed.

DATE: 08-08-2017
ccm



M. SATYANARAYANA MURTHY, J

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