

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 7949 OF 2017

ORDER:

This petition under Section 482 of Cr.P.C. is filed questioning the order dated 05-07-2017 in CrI.M.P.No. 76 of 2016 in CrI.A.No. 21 of 2016 on the file of the Court of VI Additional District Judge at Mahabubabad (for short, 'the Court below').

2. As could be seen from the impugned order, the first sentence of the discussion in the point itself is not conveying any meaning and it appears that the Court below passed the same on the concession given by the petitioner herein. In fact, it is the contention of learned counsel for the petitioner that the petitioner did not agree to send the document to expert and he filed counter affidavit on 09-12-2016 disputing the right of respondent No. 1 to claim relief under Sections 311 (A) of Cr.P.C. and 45 Indian Evidence Act raising several contentions but obviously for different reasons the Court below recorded that the petitioner conceded the request made by respondent No. 1 without considering the various objections raised in his counter affidavit dated 09-12-2016. Therefore, the order passed by the Court below is contrary to the law, since, the Court is expected to note the contentions raised by the petitioner in the counter affidavit, deal with the said contentions and pass a reasoned order. Instead of doing so, the Court below passed a cryptic order. Thus, the order is illegal and erroneous and the same is accordingly set aside. The matter is remanded to the Court below for passing a reasoned order, dealing with the contentions raised by the petitioner in his counter affidavit dated 09-12-2016, within two months from the date of receipt of a copy of this order.

3. With the above direction, the petition is disposed of. Pending miscellaneous petitions, if any, in this petition shall stand closed in consequence.

Date: 02-11-2017.

M.SATYANARAYANA MURTHY, J.

JSK

