

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2207 of 2017

JUDGMENT:

This petition is filed seeking to set aside the order dated 02-02-2017 in CrI.MP.No.265 of 2017 in C.C.No.490 of 2011 on the file of I Special Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioner and learned Public Prosecutor. The counsel for the second respondent did not appear before this Court in spite of service of notice.

3. The impugned order is passed in a petition filed by the petitioner therein seeking to reopen the case of the complainant, in order to mark the document, which is a money lending license. The Court below dismissed the petition considering that the petition is filed as an attempt to fill up the lapses. But the counsel for the petitioner submits that a photo copy of the said document has already been filed along with the complaint and that the original could not be filed as it was marked in another case and that he had to obtain the certified copy from the said Court and to produce the same before this Court. Hence it is evident that the attempt in seeking the relief, on the part of the petitioner is not in order to cover up the lapses and it is only due to the circumstances stated by him. Hence the petitioner needs to be given an opportunity to mark the license, as it becomes the basis for deciding whether he has money lending license or not.

4. Hence with the above observations, the Criminal Petition is allowed and the impugned order dated 02-02-2017 in CrI.MP.No.265 of 2017 in C.C.No.490 of 2011 on the file of I Special Magistrate, Hyderabad is hereby set aside.

5. As a sequel miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

JUSTICE T. RAJANI

Date: 25.10.2017
mrb

