

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1675 of 2017

ORDER :

Heard learned counsel for the petitioners, learned Public Prosecutor and perused the record.

2. Though there is service of notice on unofficial respondent Nos.2 to 12, there is no representation on their behalf.

3. This petition is filed to quash the order, dated 30.01.2017, passed in Cr.M.P.No.163 of 2013 in M.P.No.126 of 2000 on the file of the Assistant Sessions Judge-cum-Chief Judicial Magistrate, Nellore. The said order reads as under:

“Heard petitioner counsel. Respondents called absent. No representation for respondents. The matter is passed over, again called at 2.30 p.m. Heard petitioner counsel. No representation for respondents. Arguments of respondents is presumed as heard. Perused record. Attach the petition schedule property by 01.03.2017 on payment of process.”

4. There are no reasons assigned in the order. The jurisdiction of the Court in passing the said order is also in question. The Court below is required to pass a reasoned and detailed order. As the order is bereft of reasons and the maintainability of the criminal petition before the Court is in question, it is appropriate to set aside the said order and remand the matter to the Court concerned to deal with the matter after giving opportunity to both parties.

5. Accordingly, the criminal petition is allowed and the matter is remanded back to the Court concerned for fresh consideration after giving opportunity to both parties.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

27th October 2017.

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