

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1902 OF 2017

ORDER:

Sri Srinivasulu Kurra, learned counsel for the petitioner-*de facto* complainant, requested to issue a direction to the V-Additional Judicial Magistrate of First Class, Tirupati, to dispose of C.F.R.No.5912 of 2016 on his file on the ground that the sworn statements were already recorded and the sworn statement of the last witness was recorded perhaps one week or ten days back, but yet to pass an order.

2. The said request is made under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') by the petitioner.

3. The offences alleged in the complaint, as can be gathered from the copy of the complaint, are punishable under Sections 120(b), 341, 302 and 201 read with 34 of the Indian Penal Code, 1860 (IPC).

4. Once the matter in C.F.R.No.5912 of 2016 is pending, perhaps for passing an order by the learned Magistrate, certainly, it is within his dominion to pass an order. Since the application of mind is *sine-qua-non*, perhaps, that may be the reason why within short period, after completion of recording of sworn statements, order was not passed.

5. Be that as it may, a direction of the nature now sought for, is difficult to grant, but, however, the learned V-Additional Judicial Magistrate of First Class, Tirupati, would, keep in view, that the matter must have been kept pending only for consideration, that

means, to pass an order on examination of the sworn statements of witnesses already recorded.

6. With the above observation, the criminal petition is disposed of.

7. The Registry is directed to transmit the copy of the order to the learned Magistrate within three days.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand dismissed.

A. SHANKAR NARAYANA, J

March 9, 2017

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