

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10568 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in CrI.M.P.No.1230 of 2017 in C.C.No.81 of 2015 (old C.C.No.268 of 2013) dated 12.09.2017 passed by the Special Magistrate-cum-VI Additional Junior Civil Judge, Tirupati, dismissing the petition filed by the petitioner under Section 70(2) Cr.P.C.

The first contention raised by the learned counsel for the petitioner before this Court is that the order passed by the Magistrate is cryptic and no reasons were assigned for dismissing the petition. Though sufficient grounds were raised in the petition, the Trial Court did not consider the allegations made in the petition and did not record any reasons, muchless, sufficient reason to deny the relief in the petition.

In view of the specific contention raised by the learned counsel for the petitioner, the order in CrI.M.P.No.1230 of 2017 in C.C.No.81 of 2015 (old C.C.No.268 of 2013) dated 12.09.2017 passed by the Special Magistrate-cum-VI Additional Junior Civil Judge, Tirupati, is set-aside. Further, the Special Magistrate-cum-VI Additional Junior Civil Judge, Tirupati, is directed to consider the grounds mentioned in the petition and dispose of the petition assigning reasons, in accordance with law, within a period of one week from the date of receipt of copy of this order.

With the above direction, criminal petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated:14.11.2017
Note: CC by 15.11.2017
b/o
SP