

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3078 of 2017

ORDER:

The present Criminal Revision Case is preferred by Accused Nos.2 to 9 in Calendar Case No.343 of 2012 on the file of the I-Additional Judicial First Class Magistrate, Warangal, questioning the docket order dated 13.07.2017 in CrI.M.P.No.36 of 2015 in the said Calendar Case.

The revision petitioners moved the aforesaid CrI.M.P., under Section 239 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), for their discharge.

Heard Sri J.U.M.V.Prasad, learned counsel for the revision petitioners, and the learned Additional Public Prosecutor for the State of Telangana appearing for the respondent.

As could be seen from the material on record placed by the revision petitioners, the petition in the aforesaid CrI.M.P, moved by the revision petitioners seeking their discharge, runs into five pages consisting of eleven paragraphs referring to various aspects.

The learned Magistrate disposed of the aforesaid petition by way of docket order dated 13.07.2017. The relevant portion of which reads thus:

“ Upon the perusal of the material on record, the court taken cognizance for the offences punishable u/s.498-A, 406, 506 IPC and secs.3 & 4 of Dowry Prohibition Act and the court is of view that at this stage, the alleged

charges cannot be decided without conducting trial and the same can be decided only after full trial.

In the result, the petition is dismissed.”

Thus, *ex facie*, the order under challenge is to be construed as a cryptic order without application of mind. The learned Magistrate ought to write the reasons as to why he has taken the view that alleged charges can only be decided after full trial and also ought to have referred to the statements recorded under Section 161 of the Code of the relevant witnesses and then ought to have expressed the view. Hence, the order under challenge is liable to be set aside.

The Criminal Revision Case is, accordingly, allowed setting aside the order under challenge and restoring CrI.M.P.No.36 of 2015 to the file with a direction to the I-Additional Judicial First Class Magistrate, Warangal, to dispose of the said CrI.M.P afresh by examining the material on record and affording chance to the learned counsel for the petitioners before him to mention the submissions therein. This exercise shall be completed within one month from the date of receipt of a copy of the order.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

04.12.2017

v v