

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2987 of 2017

ORDER:

The present Criminal Revision Case is preferred questioning the order dated 05.06.2017 in CrI.M.P.No.1273 of 2017 in C.C.No.34 of 2015 passed by the learned XII Additional Chief Metropolitan Magistrate, Hyderabad.

The order under challenge reads thus:

“Heard and perused.

Previously the petitioner filed petition for recall of L.Ws.3 to 8 in CrI.M.P.No.5783/2016 and the same was allowed on 16.02.2017, since then summons are pending against L.Ws.3 to 8. One month time granted to serve summons on L.Ws.3 to 8. But the police have not shown any interest to serve summons. Once a petition is filed it is for the petitioner to look after the matter and verify the record. Filing of petitions again and again is nothing but abuse of law. Once the same petition filed by petitioner was allowed, they failed to comply the orders of this Court. Again same petition with the same grounds cannot be entertained. Hence this Court found no merits.

In the result, this petition is dismissed”.

Learned Additional Public Prosecutor for the State of Telangana would submit that gross injustice would be done in case L.Ws.3 to 8 are not examined and the Court below ought to have considered the same. He admits the factum of a similar request, made earlier, being acceded to by the Court below.

It is not clear from the order under challenge whether the learned Magistrate has closed the evidence of prosecution and, in fact, recalling of L.Ws.3 to 8 is not the proper phraseology to be used even in making such a request by the prosecution.

Be that as it may, the learned XII Additional Chief Metropolitan Magistrate, Hyderabad is directed to look into the matter and mention the relevant details as to whether the earlier request was closed or the right to proceed with the examination of L.Ws.3 to 8 was forfeited since the same is not occurring in the order now passed. It cannot be just observed that filing of petitions again and again is nothing but abuse of process of law when there is only repetition of a single petition but not multiple petitions of the same nature.

In the result, the Criminal Revision Case is allowed, setting aside the order under challenge. CrI.M.P.No.1273 of 2017 in C.C.No.34 of 2015 is restored to file. The learned XII Additional Chief Metropolitan Magistrate, Hyderabad is directed to dispose of the same in accordance with law by referring to relevant details. It is felt that there is no necessity to give any notice to the respondent.

As a sequel thereto miscellaneous applications, if any pending in the Revision Case, stand closed.

A.SHANKAR NARAYANA,J

23rd November, 2017
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