

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3325 OF 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed questioning the docket order, dated 04.12.2017, in Crime No.54 of 2016 of Yellareddy Police Station, passed by the learned Judicial Magistrate of First Class, Yellareddy.

2. Without going into the maintainability or otherwise of the revision case, having heard Sri M.A.Aleem Majid, learned counsel for the revision petitioners, and the learned Special Assistant Public Prosecutor for the State of Telangana, the revision case itself is taken up for disposal at the admission stage, as the very docket order under challenge is very cryptic and no reasons are assigned in arriving at the finding or the conclusion.

3. The docket order, dated 04.12.2017, reads thus:

“Heard Hearing on behalf of the C.I. of Police, Yellareddy.

The learned counsel for A1, A3, A4 and A5 is present i.e., Sri G. Gopal Rao. As no counter filed on behalf of A9.

Hence on perusal of the entire material record and after hearing on both sides the signatures of A1, A3, A4, A5 and A9 are mandatory for sending the same to the FSL as part of investigation.

Hence this requisition is allowed. Issue summons to the A1, A3, A4, A5 and A9 to obtain their signatures on 08-12-2017.”

4. Learned counsel for the petitioners placed reliance on the order passed by a learned single Judge of this Court in **Mr. Amit Khetawat v. State of Telangana** (Criminal Revision Case No.3208 of 2016, dated 20.02.2017), wherein, in relation to a direction to record the voice samples of accused No.1 therein to enable the Investigating Agency to send the same to the Forensic Science Laboratory, Hyderabad, for comparison, it was held that it is unsustainable and without jurisdiction conferred by law.

5. Precisely to say, the question in the present revision case is whether any reasons are assigned while passing the order under challenge?

6. The order under challenge itself is cryptic. *Ex facie*, it is clear that no reasons are assigned. Therefore, without touching the merits, the docket order under challenge is set aside. The learned Magistrate is directed to examine the material on record and dispose of the requisition by assigning reasons in accordance with law, within a period of one month from the date of receipt of a copy of order.

7. Accordingly, the Criminal Revision Case is allowed. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

A. SHANKAR NARAYANA, J

December 22, 2017.
MD