

I am of the view that since pending the investigation or pending the report under Section 173 Cr.P.C., whether it is challan or cancellation report, the learned Illaqa Magistrate has complete control over the same,

CRM No. M-33397 of 2017 (O/M)

therefore, it is the duty of the learned Illaqa Magistrate to dispose of such applications.

In these circumstances, present petition is disposed of with a direction to the learned Illaqa Magistrate, Phul, to hear the application of the petitioner for permission to go abroad and pass a speaking order on the same as he has all the powers to pass appropriate orders on such applications. While passing such orders, the reasoning given in the order dated 5.4.2017, passed by the learned Sub Divisional Judicial Magistrate, Phul, shall not be considered.

(KULDIP SINGH)
JUDGE

12.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No