

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.188 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 11.09.2017 passed in CrI.M.P. No.4296 of 2017 in C.C. No.292 of 2007 on the file of the II Additional Judicial Magistrate of First Class-cum-Junior Civil Judge, Tirupati, in Crime No.106 of 2006 of East Police Station, Tirupati.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor, apart from perusing the material available on record.

3. Learned counsel for the petitioner would submit that no reasons are assigned in the impugned order; the impugned order is erroneous; and ultimately, prayed to allow the petition as prayed for.

4. Learned Additional Public Prosecutor opposed the application.

5. The operative portion of the impugned order reads as follows:

"In pursuant to the petition filed by the Sub-Divisional Police Officer, East Sub-Division, Tirupati dt.4-9-2017 under Section 173(8) of the Code, and upon hearing the learned Assistant Public Prosecutor, and on perusing the material record available on hand the under signed is pleased to order for further investigation in the above case in C.C.No.292/2017 pending on the file of the Court of the II Additional Judicial Magistrate of First Class, Tirupati.

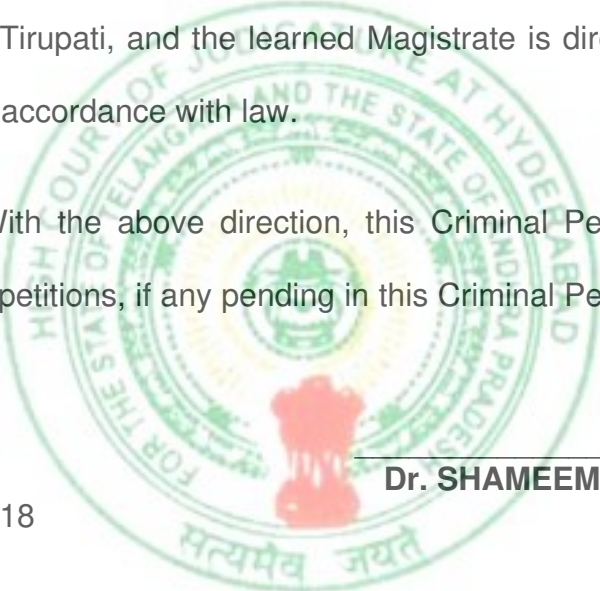
Therefore, the Sub-Divisional Police Officer, East Sub-Division, Tirupati is hereby directed to take up further investigation in immediately in the above C.C.No.292/2007

and to submit the final report in the above case on or before 30-10-2017.

This should be treated as most urgent matter, since the case is of the year 2007, old one and pre'2012 case."

6. Learned Magistrate has not assigned any reasons for passing the order. Simply he has stated in the order that perused the material on record and then passed the order for further investigation. The order bereft of reasons is unsustainable in the eye of law. Therefore, the impugned order is set aside and CrI.M.P. No.4296 of 2017 in C.C. No.292 of 2007 is restored to the file of the II Additional Judicial Magistrate of First Class, Tirupati, and the learned Magistrate is directed to pass an order afresh in accordance with law.

7. With the above direction, this Criminal Petition is allowed. Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.



Dr. SHAMEEM AKTHER, J

Date: 22-01-2018
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