

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.811 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings against her in C.C.No.304 of 2017 on the file of the Judicial Magistrate of First Class – cum – Special Mobile Magistrate, Medak, registered for the offence under Section 138 read with 142 of the Negotiable Instruments Act, 1881.

2. Heard the learned counsel for the petitioner/accused and perused the record.

3. The learned counsel for the petitioner/accused would submit that there is no judicial application of mind by the Magistrate concerned and that the impugned order is bereft of reasons and ultimately prayed to quash the proceedings against the petitioner/accused.

4. The impugned docket order, dated 20.03.2017, reads as follows:-

“Complainant is present. Sworn statement recorded.
Office is directed to register as C.C. Call on 03.04.2017.”

5. A perusal of the impugned docket order would make it clear that the learned Magistrate has not assigned any reason, even did not state the provision of law under which the cognizance is taken, but simply directed the office to register as Calendar Case. The matter requires judicious application of

mind, the reasons and under which provision of law, the offence is constituted, before issuance of a direction to the office to register as Calendar Case.

6. The Criminal proceedings are required to be disposed of expeditiously. In the instance case, issuance of notice to the respondent/complainant would protract the criminal proceedings. In the interest of justice, this Court deems it appropriate to set aside the impugned docket order, dated 20.03.2017, with a direction the learned Magistrate to assign reasons and mention the provision of law under which, cognizance is likely to be taken.

7. Accordingly, the impugned docket order, dated 20.03.2017, is set aside. Consequently, all proceedings in C.C.No.304 of 2017 on the file of the Judicial Magistrate of First Class – cum – Special Mobile Magistrate, Medak, are quashed. The learned Magistrate is directed to consider the subject matter afresh and proceed in accordance with law.

8. The Criminal Petition is disposed of accordingly.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

29th January, 2018
Bvv