

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No. 848 of 2018

O R D E R:

This criminal revision case is arising out of the docket order dated 25.1.2018 passed in Crl.M.P.SR.No.479 of 2018 in CC No.279 of 2011 by the Additional Judicial First Class Magistrate, Amalapuram.

The petitioner is the defacto complainant, basing on whose complaint, a case was registered by the police and after completion of investigation, they filed charge sheet and the court below took the case on file and numbered as CC No.279 of 2011 and during pendency of the case, the petitioner filed a petition in Crl.M.P.SR.No.479 of 2018 under Section 340 Cr.P.C. and the same is returned with the following endorsement:

"How this petition is maintainable before this Court as the T.O.P.Sr.No.1692 of 2017 is before the Hon'ble District Court, Rajamahendravaram. Explain. Hence returned".

The petitioner resubmitted the same on 14.2.2018 with the following endorsement:

"It is true that a transfer O.P.1692 of 2017 has been field in the Hon'ble District Court for other reasons but not the reason mentioned in the present petition. There is no kind of direction issued by the Hon'ble District Court in the transfer petition in respect of conducting enquiry under Section 340 Cr.P.C. hence the petition is maintainable."

The office again returned the said petition with an endorsement that "previous objections are not complied with". Aggrieved by the same, the present criminal revision case is filed.

Heard learned counsel for petitioner.

Learned counsel for petitioner would submit that the petition filed under Section 340 Cr.P.C, by the petitioner was returned and though he resubmitted the same by complying the said objections, the trial court again returned the same on the ground that the objection raised was not complied with and therefore, prayed that an opportunity may be given to petitioner to resubmit the said petition before the court below.

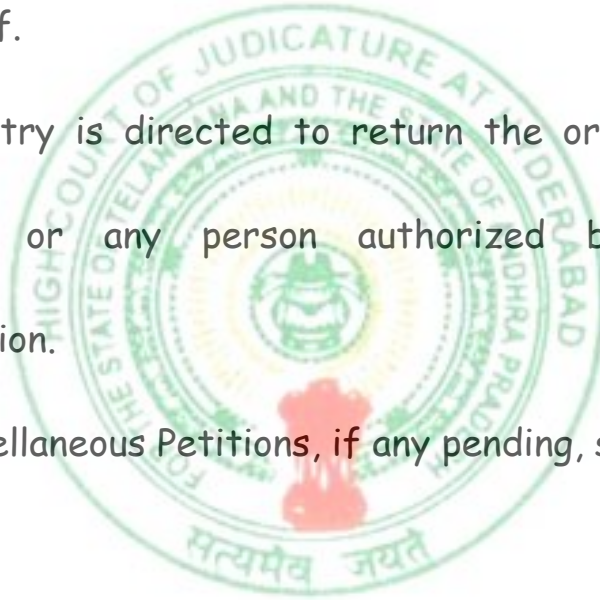
In that view of the matter, this court is of the considered view that ends of justice would be met, if petitioner is given an

opportunity to resubmit the petition filed under Section 340 Cr.P.C. in CC No.279 of 2011 on the file of the Court of Additional Judicial Magistrate of First Class, Amalapuram, within a period of two weeks from the date of receipt of a copy this order and on such receipt, the trial court shall consider the same and pass appropriate orders within a period of two months thereafter.

With the above observations, the criminal revision case is disposed of.

Registry is directed to return the original record to the petitioner or any person authorized by him on proper identification.

Miscellaneous Petitions, if any pending, shall stand closed.



GUDISEVA SHYAM PRASAD, J

24.12.2018
Mj//*