

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8061 OF 2017

ORDER:

This petition is filed by the petitioner under Section 482 Cr.P.C. to set aside the order, dated 21.07.2017 in C.C.No.19 of 2016 on the file of the Judl. Magistrate of I Class, Thamballapalle, Chittoor District.

2. Heard learned counsel for the petitioner, learned counsel for the 3rd respondent-de facto complainant, Assistant Public Prosecutor representing the State and perused the record.

3. The trial Court in the above C.C., was pleased to return the application filed by the petitioner herein under Section 452 Cr.P.C. on 21.07.2017 with an office objection as follows:

“To state how the petition is maintainable to claim the case property i.e., cash of Rs.24,13,000/- (Rupees twenty four lakhs and thirteen thousands only) as a 3rd person in this case. Explain. The above case was disposed of on 02.06.2017, hence, the appeal time also not completed. Notice not given to the either parties in this case and also A.P.P.”

4. Learned counsel for the petitioner would submit that in spite of representing the said application, the Court has not passed any orders on judicial side.

5. When an application was returned for want of compliance of certain objections or otherwise and when that application was re-submitted by the parties whether complying with the objections raised or not, the Court has to took it on judicial side and pass orders with regard to office objections etc.,

6. In the instant case, the learned Magistrate has not dealt with the matter on judicial side. Therefore, the learned Magistrate is directed to assign number to the appropriate miscellaneous application and decide the application with regard to objections taken by the office and also other aspects, such as merits etc., in accordance with law. The whole exercise shall be completed by the learned Magistrate within a period of three (3) months from the date of re-submission of returned miscellaneous application along with copy of this order.

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

DATED: 07-02-2018.
Hsd

DR.SHAMEEM AKTHER, J

