

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.9613 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") questioning the docket order dated 31.07.2018 passed in C.C.No.1371 of 2014 on the file of the Judicial First Class Magistrate, Nuzvid, whereby charges were framed against the petitioner for the offence punishable under Sections 417, 420, 406 and 498-A read with 34 of Indian Penal Code (for short "I.P.C.")

The main contention raised before this Court is that on the date of furnishing copies in compliance of Section 207 of Cr.P.C. charges were framed against the petitioner without affording any opportunity to the petitioner to advance his argument about the charges to be framed.

During hearing, Sri Raja Reddy Koneti, learned counsel for the petitioner requested this Court to set aside the order on the ground that no opportunity was afforded to the petitioner as mandated under Section 239 of Cr.P.C.

As seen from the order impugned in this petition, on appearance of the petitioner, copies were supplied under Section 207 of Cr.P.C., read over the contents of charges framed against the petitioner in Telugu and framed charges for the offences punishable under Sections 417, 420, 406 and 498-A read with 34 of I.P.C.

It is evident from the impugned order; no opportunity was afforded to the petitioner as per Section 239 of Cr.P.C. Therefore, framing of charges against the petitioner is illegal. Hence, the docket order dated 31.07.2018 passed in C.C.No.1371 of 2014 on the file of

the Judicial First Class Magistrate, Nuzvid is hereby set aside while directing the Magistrate concerned to afford reasonable opportunity to the petitioner to advance his argument and frame appropriate charges if the Magistrate finds material to proceed against the petitioner for any of the offences.

With the above direction, the criminal petition is disposed of.
No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

10.09.2018

Note:
Issue C.C. by 11.09.2018

B/o
Ksp



JUSTICE M. SATYANARAYANA MURTHY