

SMT. JUSTICE T.RAJANI

Criminal Petition No.4262 of 2013

ORDER:

This petition is filed by the petitioners, accused, seeking to quash the proceedings in C.C. No.49 of 2013 on the file of the Judicial First Class Magistrate Court, Allagadda. The offence alleged is under Sections 494 and 109 IPC.

Heard the learned counsel for the petitioners and the learned Public Prosecutor and perused the material placed on record.

The learned counsel for the petitioners submits that the Court below has taken the cognizance of the case by way of cryptic docket order dated 11.03.2013, which has no application of mind, which reads as under.

“Complainant present. Perused the records and Sworn statement. Prima-facie accusation is well found against the Accused Nos.A1 to A16. Hence, cognizance of the offences Under Secs.494 and 109 of I.P.C. is taken against A1 to A16. Issue summons on A1 to A16 on payment of process by 29.04.2013.”

The complaint, though shows that allegations are made against all the accused, in the sworn statement, it appears, that the complainant did not reiterate all the facts. Hence, in view of the above, this Court opines that this is a matter fit for remand to the Court below for passing afresh orders of cognizance by considering the evidence meticulously and to pass a detailed order. Accordingly, this matter is remitted to the Court below.

This criminal petition is disposed of accordingly.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T. RAJANI

Date: 10.12.2018
LSK

