

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.3210 of 2017

ORDER:

The Criminal Revision Case is filed by the de-facto complainant aggrieved by the order dated 14.11.2017 passed by the learned IV Additional Chief Metropolitan Magistrate, Visakhapatnam, whereby and whereunder the learned Judge dismissed the petition filed under Section 173 (8) of Cr.P.C to order for further investigation.

2. The trial Court dismissed the petition on the ground that subsequent to taking cognizance on the basis of earlier charge sheet and after appearance of the accused, the Court had no right to order for further investigation under Section 173 (8) Cr.P.C by relying upon the judgment in **Amrutha Bai Sambu Bail Patel Vs. Sumanbhai Kantibhai Patel & Others¹**

3. Heard learned counsel for petitioner.

4. Learned counsel could not produce any decision to establish that the order impugned is not legally correct.

5. As can be seen, the trial Court basing on the earlier charge sheet, registered the case and issued summons to accused and they also put up their appearance. At that stage, the petitioner filed a petition under

¹ CDJ 2017 SC 108

Section 173 (8) of Cr.P.C., seeking a direction to the police, for further investigation, on the ground that during the course of earlier investigation, they failed to recover the property, which is the subject matter of the case, which was dismissed.

6. On perusal of the material on record, I find no illegality or perversity in the order impugned. Merely because the property could not be traced, further investigation cannot be directed. Accordingly, the Criminal Revision Case is dismissed.

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



U.DURGA PRASAD RAO, J

Date: 31.01.2018
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