

HON'BLE JUSTICE G. SRI DEVI

CRL.R.C. No.558 of 2019

ORDER:

This Criminal Revision Case is filed by the petitioner/complainant challenging the docket order dated 06-05-2019 in C.C.No.673 of 2019 of the Judicial Magistrate of First Class, Metpally.

2. The petitioner contends that he has made out a *prima facie* case for taking cognizance against the accused and there is voluminous evidence attributing the offences levelled against the accused and as such the Court below erred in returning the complaint made by the petitioner on the ground that the Court concerned is not having jurisdiction of election related offences and directing the petitioner to file the same before the proper authority.

3. He further submits that drawing offences punishable under the provisions of IPC, the Court below has jurisdiction to entertain the cases according to law as there is no bar under law for launching criminal prosecution against the person who commits an offence. However, the Court below, due to fear and to do favour to the accused, who is a sitting M.L.A., has simply returned the same without application of mind in order to satisfy the accused for wrongful gain. Thus, it has been prayed to allow the Criminal Revision Case by setting aside the impugned docket order dated 06-05-2019.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent/State.

5. On perusal of the docket order passed by the Court below, it seems that separate courts are set up to try the offences relating to the M.Ps. and M.L.As. and accordingly the Court below has rightly returned the application as it is not having jurisdiction. Therefore, I do not find any merit in the Revision Case as the petitioner failed to show any irregularity or incorrectness or impropriety in the impugned order and therefore the Criminal Revision Case is liable to be dismissed.

6. Accordingly, the Criminal Revision Case is dismissed at the admission stage.

7. Miscellaneous petitions pending, if any, shall stand closed.

Date: 07.06.2019
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JUSTICE G.SRI DEVI

