

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6420 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/complainant seeking to quash the order, dated 16.04.2018, passed in CrI.M.P.No.2518 of 2017 in C.C.No.435 of 2014 on the file of Judicial Magistrate of First Class, Nakrekal, Nalgonda District.

2. Heard learned counsel for the petitioner/complainant and the learned Additional Public Prosecutor representing respondent No.2/State. Perused the record.

3. A Memo is filed by the learned counsel for petitioner/complainant enclosing acknowledgment to substantiate service of notice on respondent No.1/accused. In spite of service of notice on respondent No.1/accused, there is no appearance on behalf of him.

4. By the impugned order, dated 16.04.2018, the Court below declined to allow the petition filed by the petitioner/complainant seeking to receive the original Pronote, dated 28.06.2013. It is contended by the learned counsel for petitioner/complainant that before the Court below, along with the subject petition, the original Pronote was filed and marking of the original Pronote is essential to substantiate the case of the petitioner/complainant.

5. There is some substance in the submission made on behalf of the petitioner/complainant. Under these circumstances, the impugned order, dated 16.04.2018, is liable to be set aside.

6. Accordingly, the Criminal Petition is allowed and the impugned order, dated 16.04.2018, passed in Crl.M.P.No.2518 of 2017 in C.C.No.435 of 2014 on the file of Judicial Magistrate of First Class, Nakrekal, Nalgonda District, is set aside. Consequently, Crl.M.P.No.2518 of 2017 is allowed, as prayed for. The subject Pronote be marked in the Calendar Case, subject to proof and relevancy.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

March 06, 2019.
MD