

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE No.457 of 2022

ORDER:

Heard Sri Raghava, Advocate, who argued on behalf of Sri D. Naresh Kumar, learned counsel for the petitioner/Accused. Also heard the submission of the learned Assistant Public Prosecutor, who is representing respondent Nos.1 and 2.

2. Challenge in this Criminal Revision Case is the order that is rendered by the Court of Additional Judicial Magistrate of First Class, Sanga Reddy, in CrI.M.P.No.1089 of 2018 in C.C.No.213 of 2016, dated 15.09.2021.

3. An application vide CrI.M.P.No.1089 of 2018 was filed by the petitioner herein, who is Accused in C.C.No.213 of 2016, seeking to receive certain documents. The said application stood dismissed vide order dated 15.09.2021. Aggrieved by the same, the petitioner/Accused is before this Court.

4. When the impugned order dated 15.09.2021 is looked into, it is found that the trial Court dismissed the said application making an observation that the case is at the stage of cross-examination of PWs.1 and 2 and the petitioner/Accused would be

at liberty to file the documents he relies upon at appropriate stage during the course of trial. By observing thus, the said application was dismissed. However, in the impugned order, the Court at the concluding paragraph again held that the petition is allowed by receiving the documents subject to proof, relevancy and admissibility.

5. The observations made and the conclusion arrived at are quite contradictory to each other. Paras-7 and 8 of the impugned order are as under:

“7. On perusal of the material on record this petition filed under Section 243(2) which has to be filed at the stage of defence evidence and the present case is coming up for cross of PW.1 and 2 and further evidence, thus this Court to dismiss the petition at this stage.

8. Further petitioner is at liberty to file the said documents at appropriate stage in due course of trial. Accordingly, this petition is dismissed.”

Para-9 of the impugned order is as under:

“9. In the result, petition filed by the petitioner/defacto complainant is allowed, by receiving the documents subject to proof, relevancy and admissibility.”

6. The trial Court, basing on the material available on record, has to either grant the relief or refuse to do so. However, in the

impugned order, the trial Court, at one stage, held that the petition is dismissed, and again at another stage, held that the petition is allowed. Therefore, the impugned order rendered by the trial Court is unsustainable in the eye of law.

7. Resultantly, this Criminal Revision Case is allowed. The order that is rendered by the Court of Additional Judicial Magistrate of First Class, Sanga Reddy, in Crl.M.P.No.1089 of 2018 in C.C.No.213 of 2016, dated 15.09.2021 is set aside. The Court of Additional Judicial Magistrate of First Class, Sanga Reddy, is directed to re-open Crl.M.P.No.1089 of 2018 in C.C.No.213 of 2016 and to hear the said petition afresh and pass appropriate orders.

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

9. Before parting with the order, it is felt necessary to indicate that the Courts are under obligation to objectively assess the grounds urged and to dispose of the interlocutory applications purely on merits, assigning valid reasons; more-so keeping in mind the serious consequences that would flow in case the orders

are found to be cryptic and non-application of mind. The intention in indicating thus is only to demonstrate the importance of the legal reasoning in support of a particular decision that is taken.

Dr. JUSTICE CHILLAKUR SUMALATHA

05.07.2022.

NOTE: L.R. Copy be marked.
(B/O)
Msr

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(Msr)