

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 8938 OF 2023

Between:

1. Manne Mahesh Yadav, S/o Late Sri Satyanarayana, Aged 37 years, Occ.Business, R/o H.No. 1-67, Nizampet Village, Bachupally Mandal, Medchal- Malkajgiri District.

...PETITIONER/ACCUSED NO.3

AND

1. The State of Telangana, Rep., by its Public Prosecutor, High court for the state of Telangana.
2. M/s SAS Infratech Pvt. Ltd, Having its new office at. H.No. 8-3-169/25/A, Siddharthanagar, S.R.Nagar, Hyderabad-50003 8, Rep., by its authorised Director B.Hymavathi, W/o Bollu Srinivas Rao, aged 38 years, Chirala, Andhra Pradesh.

...RESPONDENT/DE-FACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set aside the docket orders dated 30.06.2023 in Sr.No. 3297 of 2023 passed by the Learned PJCJ- Cum- XI Addl. Metropolitan Magistrate, Medchal- Malkajgiri District at Kukatpally and consequently quash the proceedings against the petitioner/ accused No. 3 in Cr. No. 410 of 2023 on the file of the SHO, Bachupally, Police Station, Cyberabad in the interest of justice...

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings against the petitioner/ accused No. 3 in Cr. No. 410 of 2023 on the file of the SHO, Bachupally Police Station, Cyberabad in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T Bala

Mohan Reddy ,Advocate for the Petitioner and the S Ganesh Assistant Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.8938 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused No.3 to set aside the docket order dated 30.06.2023 passed in SR.No.3297 of 2023 on the file of the Principal Junior Civil Judge-cum-XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, Kukatpally and to quash the proceedings against the petitioner/accused No.3 in Crime No.410 of 2023 on the file of the Station House Officer, Bachupally Police Station, Cyberabad.

2. Heard learned counsel for the petitioner/accused No.3 and Sri S.Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State. Perused the record.

3. The docket order dated 30.06.2023 passed in S.R.No.3297 of 2023 by the Principal Junior Civil Judge-cum-XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, Kukatpally, reads as follows:

“Complainant called present. The learned counsel for the complainant is present. Heard the learned counsel for the complainant. Perused the complaint and on scrutiny of the complaint, documents and also the submission made by the learned counsel for

the complaint, this Court found prima-face case, hence this complaint is referred to SHO, PS Bachupally U/ Sec. 156 (3) of Cr.P.C for investigation and report."

4. It is the contention of the learned counsel for the petitioner/accused No.3 that the learned Magistrate has not applied judicial mind for forwarding the complaint to the police for investigation under Section 156 (3) of Cr.P.C and further no reasons have been assigned by the trial Court while disposing of the matter and therefore, seeks to set aside the said docket order.

5. As per the procedure laid down under Section 200 of Cr.P.C, a Magistrate taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate. If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under Section 202 of Cr.P.C, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.

6. The docket order dated 30.06.2023 do not contain any reasons assigned by the Court. Even the record do not disclose the fact whether the sworn statements of the witnesses were recorded by the Court or not. Further as per the Section 151 of Electricity Act, 2003 *“No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Appropriate Government or Appropriate Commission or any of their officer authorised by them or a Chief Electrical Inspector or an Electrical Inspector or licensee or the generating company, as the case may be, for this purpose.”*

[Provided that the court may also take cognizance of an offence punishable under this Act upon a report of a police officer filed under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974)

Provided further that a special court constituted under section 153 shall be competent to take cognizance of an offence without the accused being committed to it for trial.]

7. Therefore, this Court is of the considerable view that the docket order, dated 30.06.2023 is made without any proper reasons and therefore, it is liable to be set aside.

8. In view of the same, the docket order dated 30.06.2023, passed in S.R.No.3297 of 2023 by the Principal Junior Civil Judge-cum-XI Additional Metropolitan Magistrate, Medchal-Malkajgiri District, Kukatpally, is hereby set aside and if any FIR has been registered consequential to the docket order, dated

30.06.2023 that FIR shall also stand set aside and the matter is remanded back to the trial Court to follow the procedure as contemplated under the Code of Criminal Procedure, 1973 and pass appropriate orders.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

GP

SECTION OFFICER

//TRUE COPY//

To,

1. The PJ CJ- Cum- XI Additional Metropolitan Magistrate Kukatpally.
2. The Station House Officer, Bachupally Police Station at Cyberabad.
3. Two CCs to Public Prosecutor High court for the State of Telangana at Hyderabad[OUT].
4. One CC to Sri T Bala Mohan Reddy, Advocate [OPUC]
5. Two CD Copies

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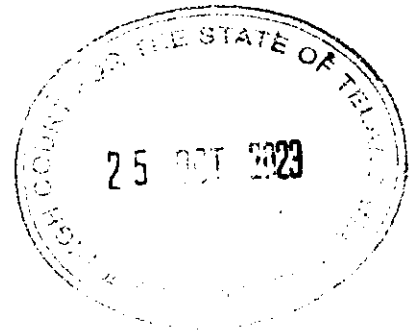
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HIGH COURT

DATED:14/09/2023

ORDER

CRLP.No.8938 of 2023



CRIMINAL PETITION IS DIPOSED

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