

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1426 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the inaction of the Court of Principal Assistant Sessions Judge, at Srikakulam, in numbering CrI.M.P.SR.No.326 of 2015 in S.C.No.10 of 2012 and passing any orders.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that when the petitioner, by invoking provision under Section 319 of CrPC, filed the application, the same is returned by the Section concerned, directing the petitioner to prefer the same before the Court. When the petitioner tried to submit the same directly before the Court concerned, the learned Senior Civil Judge refused to receive the same and directed the petitioner to file the petition before the Section concerned. He further submits that though it is brought to the notice of the learned Senior Civil Judge that the Section has returned the same, the learned Judge neither accepted the application nor passed any orders.

This Court is of the view that it is the duty of the learned Senior Civil Judge, whenever an application is refused to be numbered by the Section, and if it is presented before the Court to decide the maintainability or whether to be numbered or not, to pass an order either accepting or rejecting the petition. Hence, the matter is remitted to the Court below for consideration in accordance with law. The Registry is directed to return the originals filed along with the criminal revision case to enable the petitioner to file the same before the Court below.

With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

31.08.2015

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