

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: Crl.P. No.4621 of 2021

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
2.	15.09.2021	<u>CMR, J</u> <u>Crl.P. No.4621 of 2021</u> Learned Additional Public Prosecutor takes notice for 1st respondent/State and requests time to obtain instructions. Issue notice to 2nd respondent. Post after four (04) weeks. CMR, J <u>I.A.No.1 of 2021</u> The petitioner is A-4 in C.C.No.307 of 2018 on the file of learned II Additional Judicial Magistrate of First Class, Tirupati, Chittoor District. The name of the petitioner was not reflected in the F.I.R. that was lodged by the <i>de facto</i> complainant. However, after charge sheet was filed on completion of investigation, it appears that the learned Magistrate ordered for reinvestigation and on the basis of the said reinvestigation, the petitioner is shown as A-4 in the subsequent charge sheet that was filed by the police. The petitioner now assails the very order of the learned Magistrate in ordering for reinvestigation on the ground that the Magistrate is not competent to order for reinvestigation and said power is not vested with him. In support of the said contention, learned counsel for the petitioner relied on the Judgment of the Honourable Apex Court in the case of <i>Vinay Tyagi v. Irshad Ali @</i>	

		<i>Deepak and others</i>¹ on the proposition that the power to direct reinvestigation or a fresh investigation is only vested with the superior courts and not with the Magistrates. On the basis of the law laid down in the said Judgment, when A-1 approached this Court for quash of the said proceedings, this Court in I.A.No.1 of 2019 in Crl.P.No.1456 of 2019, ordered for stay of further proceedings in C.C.No.307 of 2018 arising out of the same Crime No.106 of 2006 of East Police Station, UPD, Tirupati on the file of II Additional Judicial Magistrate of First Class, Tirupati, which is being subsequently extended. Therefore, in the said facts and circumstances of the case, the petitioner, who is A-4 in the same case, who is similarly placed, is also entitled for similar relief, as he has been also now challenging the order of the learned Magistrate in directing reinvestigation on the basis of which, the present charge sheet came to be filed against him. Therefore, there shall be interim stay of further proceedings against the petitioner in C.C.No.307 of 2018 on the file of learned II Additional Judicial Magistrate of First Class, Tirupati, Chittoor District, till the next date of hearing. CMR, J ARR	
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¹ (2013) 5 SCC 762

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