

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: CrI.P. No.4450 of 2021

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
1.	06.08.2021	<u>LK, J</u> Admit. Learned Assistant Public Prosecutor has taken notice for the 1st respondent/State and requested time to seek instructions. Issue notice to respondent No. 2. Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by registered post with acknowledgment due and file proof of service in the Registry. Post the matter after four (4) weeks. _____ LK, J <u>I.A.No.1 of 2021</u> The petitioner is A-2 in Crime No.90 of 2021 of Kadiri Urban Police Station, Anantapur District, dated 26.03.2021, registered for the offences punishable under Sections 415, 418, 420, 506 r/w 34 IPC and under Section 200 Cr.P.C pursuant to the docket order, dated 06.03.2021, passed in C.F. No.75 of 2020 on the file of the learned Additional Judicial Magistrate of First Class, Kadiri.	

		Learned counsel for the petitioner submits that learned Magistrate without application of mind has passed the order and directed the police to investigate into the matter. He submits that the complainant did not file sworn affidavit along with the private complaint. He submits that in view of the same, the docket order is contrary to the order of the Hon'ble Apex Court in <i>Priyanka Srivastava Vs. State of Uttar Pradesh</i> reported in (2015) 6 SCC 287. He further submits that without considering any of these aspects, in a mechanical manner, the Court below has directed the police to investigate the matter. Taking into consideration without there being any sworn affidavit along with the private complaint, the Magistrate directed the police to investigate the matter in a very mechanical manner, there shall be stay of all further proceedings in Crime No.90 of 2021 of Kadiri Urban Police Station, Anantapur District, only insofar as the petitioner/A-2 is concerned, until further orders. LK, J AKN	
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