

(2000) 06 KAR CK 0003
In the Karnataka High Court
Case No : Criminal R.P. No. 753 of 1998

Paravatagouda

APPELLANT

Vs

Revanashiddayya

RESPONDENT

Date of Decision : 12-06-2000

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 204

Citation : (2001) CriLJ 1446 : (2001) 4 KCCR 417 SN

Hon'ble Judges : G. Patri Basavana Goud, J

Bench : Single Bench

Advocate : Mohan Shanthanagoudar, for the Appellant; K.N. Patil, for the Respondent

Judgement

G. Patri Basavana Goud, J.—The impugned order needs to be set aside, and the matter needs to be remitted to the learned Magistrate for the following reasons.

2. No doubt, on taking cognizance, and after recording the sworn statement of the complainant, the learned Magistrate has come to the conclusion that there is sufficient ground for proceeding. But, he has not noted as to for which offences the case needs to be registered, and the process needs to be issued. It is essential for the learned Magistrate to specifically say as to what offences are made out, and therefore, for which particular offences the accused needs to be proceeded against. It is then that in respect of those offences that the case comes to be registered and process comes to be issued. Section 204, Cr.P.C makes it clear that it is essential to make it clear at the outset as to for what offence the case comes to be registered. It is on that basis that the process is issued, viz., if it is summons case, then only summons can be issued for the attendance of the accused. If it is a warrant case, either warrant may be issued, or summons may be issued. Even subsequent process also would depend upon whether the case concerned is a warrant case, viz., whether Chapter XX of Cr.P.C. applies, or Part B of Chapter XIX of Cr.P.C. applies. It is for this reason it would be necessary for the learned Magistrate to mention the Sections of the

concerned statute, In this case IPC, i.e., the punishable Sections, in respect of which, according to the learned Magistrate, sufficient ground for proceeding has been made out . Same being absent here, impugned order is set aside, and the matter is remitted to the learned Magistrate, to proceed afresh in accordance with law from the stage at which the Impugned order had been passed, which is now set aside.

Petition disposed of accordingly.