

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2566 of 2015

ORDER

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 05-10-2015 passed in Crl.M.P.No.1413 of 2015 on the file of the Metropolitan Sessions Judge, Hyderabad, whereby the learned Metropolitan Sessions Judge dismissed the condone delay petition for no representation.

The learned counsel for the petitioner submitted that the Court below has not given opportunity to the revision petitioner to pay process on 05-10-2015. It is further submitted that Court below dismissed the said petition at the time of call work and immediately when the counsel filed a petition SR.No.9272 of 2015, dated 06-10-2015 explaining the cause, the Court below returned the said petition and thus, the petitioner could not comply with the process within time.

Having heard the learned counsel for the revision petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that one more chance can be given to the petitioner to make his submissions before the Court below.

Considering the facts and circumstances of the case, the order dated 05-10-2015 in Crl.M.P.No.1413 of 2015 is hereby set aside and the said application shall be restored on file of the Metropolitan Sessions Judge, Hyderabad and thereafter, the learned Metropolitan Sessions Judge is directed to hear the parties afresh and pass appropriate orders in accordance with law.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

02nd November, 2015

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