

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2043 of 2014

ORDER:

This revision is filed against the order dated 19.09.2014 passed by the Judicial Magistrate of First Class, Godavarikhani in CrI.M.P.No.1312 of 2014 in D.V.C.No.12 of 2014 under Sections 397 & 401 of Cr.P.C.

The respondent Nos.1 and 2 herein filed D.V.C.No.12 of 2014 claiming various reliefs under Sections 18 to 20 of the Domestic Violence Act. On 26.08.2014, when the matter was taken up for hearing, as the petitioner herein was absent, he was set *ex parte* and the case was posted on 19.09.2014 for the evidence of respondent Nos.1 and 2 herein. On 19.09.2014, the petitioner herein filed CrI.M.P.No.1312 of 2014 to set aside the *ex parte* order, which was rejected on the ground that the Court has no jurisdiction. Challenging the same, the present revision is filed.

Heard the learned counsel for the petitioner, learned counsel for the respondent Nos.1 and 2 and the learned Additional Public Prosecutor appearing for the 3rd respondent-State.

The learned counsel for the petitioner submits that the order passed by the trial Court is erroneous, as an opportunity ought to have been given to the petitioner to contest the matter on merits.

The learned counsel for the respondents opposed the revision.

Having regard to the facts and circumstances of the case and since the opportunity need to be given to the petitioner herein to contest the matter, the order dated 26.08.2014 is set aside. It is made clear that the learned Magistrate shall dispose of the DVC as expeditiously as possible, preferably, within a period of 10 to 12 weeks from the date of receipt of copy of this order after hearing both the

parties on merits.

In view of the above, the Criminal Revision Case is disposed of.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

**C. PRAVEEN
KUMAR, J**

Date: 30.01.2015
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