

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 338 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 24.01.2013, passed in C.C. No. 334 of 2012 by the learned Special Magistrate Court No.1, Kukatpally at Miyapur, whereby and whereunder the learned Special Magistrate, having found that the complainant was absent, dismissed the complaint for default.

The revision petitioner herein has filed the complaint under Section 138 of the Negotiable Instruments Act. Originally, the complaint was filed before IX Metropolitan Magistrate Court, Cyberabad, Kukatpally, and the same was registered as C.C. No.305 of 2012. On constitution of the Special Magistrate Court No.1, Kukatpally at Miyapur, the said case was transferred from IX Metropolitan Magistrate Court, Cyberabad, Kukatpally, to the Special Magistrate Court No.1, Kukatpally at Miyapur, and the same was renumbered as CC No.334 of 2012. It is noticed from the impugned order that the notice of transfer of case from the regular Court to Special Magistrate Court No.1, Kukatpally at Miyapur, was issued to the complainant on 08.01.2013, however, there is no material on record to show that the notice sent from the Special Magistrate Court on the eve of the case being transferred has been served on the complainant. The complaint came to be dismissed on 24.01.2013 i.e., within less than one month from the date when the case was transferred to the Special Magistrate Court. Taking into consideration all the above facts, I feel that the ends of justice would demand that the petitioner should be given an opportunity to proceed with her case. Hence, the impugned order is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed and the impugned order is set aside. Learned Special Magistrate is directed to restore the case on file and dispose of the same in accordance with law.

As a sequel thereto, the miscellaneous petitions, if any, pending in the

Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 10.06.2015

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