

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

CRL.R.C.No.468 of 2013

JUDGMENT:

This revision is filed against the order of the learned First Additional Junior Civil Judge, Gurajala, Guntur District, dated 04.01.2013 passed in C.C.No.226 of 2010.

The impugned order reads as under:

“Complainant called absent. No representation. A1 to A5 called absent. Petition filed and allowed. Though the case is posted for complainant's evidence as a last chance, the complainant did not turn up before this Court and there is no representation for the complainant. It appears that the complainant is not interested to proceed with the case. Hence, the complaint is dismissed for default.”

Learned Counsel for the revision petitioner-complainant submitted that the absence of the complainant on the day when the case was listed was neither willful nor intentional. He further submitted that the Court below, without affording an opportunity of hearing to the complainant and without examining the merits of the case, dismissed the case for non-prosecution.

From a perusal of the proceeding sheet of the case, it is clear that right from July 2010 till 04.01.2013 the case

underwent several adjournments and that the revision petitioner-complainant was present on every adjournment except on 24.03.2011, 13.12.2012 and 04.01.2013. The revision petitioner-complainant has been diligently pursuing his case for more than three years. Therefore, this Court is of the view that the case has to be decided on merits instead of dismissing the same on some technicalities. In these circumstances, the impugned order could not have been passed which is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed and the impugned order is set aside. The trial Court is directed to restore C.C.No.226 of 2010 to its original file and dispose of the case, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

26-08-2015

Gsn