

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.220 OF 2015

ORDER:

The present criminal appeal is preferred by the appellant/complainant challenging the order, dated 31.08.2013, passed in S.T.C. No.89 of 2013 by the Court of the

IV Additional Judicial Magistrate of First Class, Tirupati, whereby the Court below dismissed the complaint and accused is acquitted.

Heard and perused the records.

Learned counsel for the petitioner/complainant submits that the Court below erroneously dismissed the complaint filed by the petitioner/complainant on the ground that the petitioner called absent and as such, dismissed the complaint and acquitted the accused. He further submits that the complainant could not appear before the Court below on the day when the case is called due to his ill-health and it is neither wilful nor wanton.

Considering the above submission of the learned counsel for the petitioner/complainant, this Court is of the view that one more opportunity may be given to the petitioner/complainant. Hence, the order of the Court below, dated 31.08.2013 passed in S.T.C.No.89 of 2013 is hereby set aside and the Court below is directed to restore the complaint filed by the petitioner/complainant and proceed in accordance with law after issuing notice to both the parties.

The Criminal Appeal is accordingly disposed of. Consequently, the miscellaneous petitions filed in this appeal, if any, shall stand closed.

JUSTICE RAJA ELANGO

03.12.2015
pln