

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1173 OF 2015

JUDGMENT:

This appeal is filed by the complainant aggrieved by the order dated 6.11.2014 passed by the Special Magistrate, Miryalaguda in Crl.M.P.No.409 of 2014 in C.C.No.457 of 2009.

The appellant herein filed the above case in C.C.No.457 of 2009 against the 1st respondent for the offence punishable under Section 138 of the Negotiable Instruments. On 9.7.2014, the above C.C. was dismissed as there was no representation on behalf of the petitioner. Hence, the petitioner filed the above Crl.M.P. seeking to restore the above C.C. The learned Magistrate dismissed the said Crl.M.P. as not maintainable. Aggrieved by the same, the petitioner filed the present appeal.

Heard and perused the material available on record.

It is the case of the petitioner that as she was suffering from fever by the date of hearing of the above C.C., she could not appear before the trial Court and her Counsel was busy with his work in other Courts and therefore, he could not represent her case.

Considering the facts and circumstances of the case, this Court

is inclined to pass the following order:

“C.C.No.457 of 2009 on the file of the Special Magistrate at Miryalaguda is restored to its file by setting aside the order dated 9.7.2014. Consequently, the order under revision viz., dated 6.11.2014 in CrI.M.P.No.409 of 2014 is also set aside and the CrI.M.P.No.409 of 2014 stands allowed.”

Accordingly, the Criminal Appeal is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.12.2015

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