

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL APPEAL No.1355 OF 2014

ORDER:

The criminal appeal is filed by the appellant/ complainant challenging the Judgment dated 05.06.2012 passed in C.C.No.112 of 2012 by the learned First Special Magistrate, Hyderabad, whereby the learned Judge dismissed the petition filed by the appellant/complainant seeking to register the complaint and to take cognizance under Section 138 of the Negotiable Instruments Act against the accused.

Heard and perused the material available on record.

Learned counsel for the appellant submits that when the complainant was absent, the learned Judge erroneously dismissed the complaint and as such, prays this Court to allow the criminal appeal and direct the Court below to register the complaint and to take the cognizance of the case against the accused.

On perusing the impugned order and on hearing the learned counsel for the appellant, this Court is of the view that one more opportunity may be given to the appellant to appear before the Court below. Hence, C.C.No.112 of 2012 on the file of the Court of the First Special Magistrate at Hyderabad, is restored to its file and the appellant is also directed to represent the case when the case is called. It is also made clear that when the case is again called by the Court and if the appellant has not represented the case, the Court below is at liberty to pass appropriate orders in accordance with law.

The criminal appeal is accordingly allowed. Miscellaneous petitions pending in this appeal, if any, shall stand closed.

JUSTICE RAJA ELANGO

09.10.2015

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