

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2301 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-complainant aggrieved by the order dated 7.8.2015 passed in R.C.No.11 of 2015 by the I Additional Chief Metropolitan Magistrate, Hyderabad.

2. Brief facts of the case are as follows:

The petitioner herein lodged a complaint against the 2nd respondent for the offence under Sections 448, 506 and 323 IPC and the same was registered as Crime No.672 of 2014 on the file of Saifabad Police Station. After completion of the investigation, the respondent-police filed a final report stating that the case is undetectable due to lack of evidence. Hence, the learned Magistrate issued a notice to the complainant to file objections, if any, on the report filed by the investigating agency. As the petitioner was absent, the learned Magistrate passed the following order:

“As per the police report, notice served on complainant, who is called absent. In the circumstances, final report is accepted. Issue proceedings accordingly.”

Aggrieved by the said order, the petitioner-complainant filed this revision.

3. Heard and perused the material available on record.

4. It is the case of the petitioner-complainant that he could not appear before the learned Magistrate on the date so fixed for filing his objections and hence, the trial Court accepted the final report and passed the above order. Further, it is the case of the petitioner that due to sudden medical emergency in his family, he could not appear before the learned Magistrate and his non-appearance on the date of adjournment is neither willful nor wanton, and therefore, one more opportunity may

be given to file his objections on the final report.

5. Considering the facts and circumstances of the case, this Court is of the view that one more opportunity can be given to the petitioner.

6. In the above circumstances, the learned Magistrate is directed to reopen RC No.11 of 2015. The petitioner is directed to file his protest petition before the learned Magistrate on or before 30th October, 2015. On such petition being filed, the learned Magistrate is directed to dispose of the same in accordance with law.

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

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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