

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3147 OF 2015

ORDER:

1. This revision case is filed by the petitioner challenging the order dated 30.10.2015 passed in Crl.M.P.No.1171 of 2015 in Crl.A.No.823 of 2014 by the Special Judge for Economic Offences at Hyderabad.

2. The 2nd respondent herein filed a complaint before the XIV Special Magistrate, Hyderabad for the offence punishable under Section 138 of the Negotiable Instruments Act. After conducting the trial, the learned Magistrate convicted and sentenced the petitioner to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner filed the above Crl.A.No.823 of 2014 before the learned Special Judge. During the pendency of the said appeal, the petitioner filed the above Crl.M.P.No.1171 of 2015 seeking to call for Exhibits in C.C.No.13 of 2014 pending on the file of XIV Special Magistrate, Erramanzil, Hyderabad. On 30.10.2015, the learned Special Judge passed the following order in the above Crl.M.P.:

“Petitioner called absent. No representation till 4 p.m. Petitioner is not getting ready with arguments inspite of several adjournments given and conditional order passed on 22.9.2015. No purpose would be served by adjourning this petition further or keeping pending on file as petitioner is not evincing any interest in prosecuting this petition. Thus, the petition is dismissed for default.”

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

3. Heard and perused the material available on record.

4. The above Crl.M.P.No.1171 of 2015 was dismissed for default since the petitioner was absent on the date of hearing the matter. The order under revision was not on merits. Therefore, the petitioner is at liberty to file a fresh application before the learned Special Judge. On such application being filed, the learned Special Judge shall consider the same in accordance with law, after affording an opportunity to both the parties.

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

JUSTICE RAJA ELANGO

Dated: 16.12.2015

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