

THE HON' BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.834 of 2014

ORDER:

This Criminal Revision Case is preferred by the petitioner (2nd respondent in CrI.R.P. No.32 of 2014) against order, dated 26.02.2014, passed in CrI.R.P.No.32 of 2014 by the Metropolitan Sessions Judge, Hyderabad.

The case in brief is that the petitioner is the wife of the 1st respondent and the 2nd respondent is her father-in-law. The petitioner filed DVC No.101 of 2013 before the III Metropolitan Magistrate, Hyderabad, against the 1st respondent seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act. She also filed a case against the 1st respondent for the offence under Section 498-A IPC. In that case, the 1st respondent surrendered before the Court below and obtained bail and subsequently, obtained permission from the Court to travel to Singapore to join in his job. The Court below granted permission to the 1st respondent on condition of deposit of a sum of Rs.1,00,000/- . The 1st respondent deposited the said amount and went to Singapore. Therefore, he filed CrI.M.P. No.1636 of 2013 in DVC No.101 of 2013 before the Court below to permit him to represent his case by his father i.e. the 2nd respondent herein. The Court below dismissed the said application vide order, dated 28.12.2003. Challenging the same, the respondents 1 and 2 filed CrI.R.P. No.32 of 2014 before the Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge allowed the revision by setting aside the order of the Court below. Against the said order, the present revision case is filed by the petitioner –wife of the 1st respondent.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that after filing of the DVC, the 1st respondent never appeared before the trial Court and since the matter pertains to the family dispute between the 1st respondent and the petitioner, the 1st respondent alone is liable to answer and the remedy lies with him and that his presence is required while prosecuting the case before the trial Court, but the learned Sessions simply allowed the 1st respondent to represent the case through his father, without giving any reasons.

Learned counsel for the 1st respondent submitted that the 1st respondent is a resident of Singapore and while he is trying to regain his job there, the petitioner filed a case under Section 498-A IPC and therefore, he came to Hyderabad and surrendered before the Police and obtained bail. He further submitted that subsequently, the 1st respondent obtained permission from the Court concerned and went to Singapore to get back his job and it is difficult for him to appear before the Court concerned for each and every adjournment and therefore, he filed an application before the Court concerned seeking permission to represent his case through his father.

After hearing the arguments of both the learned counsel and also after perusing the material available on record, this Court expressed its opinion that the order under revision need not be interfered with. At that stage, learned counsel for the petitioner submitted that a direction may be given to the trial Court to dispose of the case expeditiously.

In view of the submission of the learned counsel for the petitioner, this Court is inclined to pass the following order:

“The trial Court is directed to proceed with DVC No.101 of 2013 and conclude the trial of the case as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.”

With the above direction, the Criminal Revision Case is disposed of. Consequently, miscellaneous applications, if any pending, shall stand closed.

RAJA ELANGO, J

September 08, 2016.
KTL

