

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.M.P.No.579 of 2013 & Crl.R.C. No.2423 of 2012

ORDER:

1. The above Criminal Revision Case is filed by the petitioner-complainant aggrieved by the order dated 9.10.2012 passed by the XIII Special Magistrate, Hyderabad in C.C.No.201 of 2011.

2. Under the order challenged in the above revision case, the learned Magistrate returned the complaint filed under Section 138 of the Negotiable Instruments Act by the petitioner for presentation before the appropriate Court having jurisdiction to entertain the case.

3. On 21.12.2012 the above Crl.R.C. was dismissed for non-prosecution. Thereafter, the petitioner-complainant filed the above Crl.R.C.M.P. to post this matter in the caption of 'for being mentioned'. Today, when this matter was taken up, the learned Counsel for the petitioner submitted that on 21.12.2012, he was out of station and inadvertently, he did not notice the listing of the matter on 21.12.2012 and as such, no representation was made before this Court. The learned Counsel for the petitioner prayed for restoration of the above Criminal Revision Case.

4. In view of the submission made by the learned Counsel for the petitioner, the order passed by this Court on 21.12.2012 in Crl.R.C.No.2423 of 2012 is set aside and the Criminal Revision Case is restored.

5. Insofar as the order under revision is concerned, the said order was passed by the learned Magistrate basing on the judgment of the Apex Court. Pending this revision case, new ordinance came into force empowering the Courts in which the complaints under Sections 138 of the Negotiable Instruments are pending, to proceed further. Therefore, the order under revision is set aside and the learned XIII

Special Magistrate, Hyderabad, is directed to proceed with the trial in the above C.C.

6. Accordingly, the Crl.R.C.M.P. is ordered and the Crl.R.C. is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

1st August, 2016

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