THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2875 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 30.08.2016 passed in Criminal Revision Petition No.22 of 2015 on the file of the Court of the IX Additional District and Sessions Judge at Wanaparthy.

2. Heard the learned counsel for both parties.

3. A perusal of the record reveals that the second respondent filed Crl.M.P.No.446 of 2015 in Crime No.60 of 2015, under Section 451 of Cr.P.C., on the file of the Court of the Judicial Magistrate of First Class at Nagarkurnool for return of the vehicle and the same was dismissed on 11.05.2015. Feeling aggrieved by the order of the learned Magistrate, the second respondent herein preferred Criminal Revision Petition No.22 of 22015 on the file of the Court of the IX Additional District and Sessions Judge at Wanaparthy. The learned District Judge set aside the order of the trial Court dated 11.05.2015. Hence, the revision.

4. The predominant contention of the learned counsel for the petitioner is that the Revisional Court passed the impugned order without giving any opportunity to the petitioner.

5. In order to appreciate the contention of the learned counsel for the petitioner, I have carefully scanned the impugned order passed by the Revisional Court. A perusal of the impugned order clearly demonstrates that no opportunity was given to the

petitioner, who is the first respondent in Crl.M.P.No.446 of 2015 in Crime No.60 of 2015.

6. Learned counsel for the second respondent also, in all fairness, submitted that the Revisional Court passed the impugned order without giving an opportunity to the petitioner.

7. The Court has to pass orders after affording a reasonable opportunity to both parties. Any final order passed by the Court without giving an opportunity to the affected party is not sustainable either on facts or in law.

8. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, I am of the considered view that it is a fit case to set aside the order dated 30.08.2016 passed in Criminal Revision Petition No.22 of 2015 and remit the matter to the Revisional Court for fresh disposal.

9. In the result, the Criminal Revision Case is allowed setting aside the order dated 30.08.2016 passed in Criminal Revision Petition No.22 of 2015 on the file of the Court of the IX Additional District and Sessions Judge at Wanaparthy and the matter is remitted to the Revisional Court to dispose of Criminal Revision Petition No.22 of 2015 in accordance with law, after affording a reasonable opportunity to both parties.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.12.2016
Ivd