

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 10487 OF 2009

ORDER:

Basing on a private complaint lodged by the petitioner, which was referred to police for investigation, a case in crime No.221 of 2008 of Bowenpally police station was registered against respondent No.2 for the offences punishable under Sections 403, 406, 418, 420 and 506 IPC. After completion of investigation, police laid a final report referring the case as lack of evidence. Aggrieved by the same, the petitioner filed a protest petition in CrI.M.P. No.92 of 2008 on the file of the learned XI Additional Chief Metropolitan Magistrate, Secunderabad, which was dismissed vide order dated 21.04.2009 on the ground that the petitioner was called absent and there was no representation on his behalf. Challenging the same, the present Criminal Petition is filed.

2. Heard the learned counsel for the petitioner. In spite of service of notice, there is no representation on behalf of respondent No.2.

3. Learned counsel for petitioner submits that the petitioner was not in the city on that day and as such could not attend court on that day. It is urged that his absence was neither willful nor intentional and having regard to the circumstances of the case, he submits that an opportunity be given to contest the matter on merits.

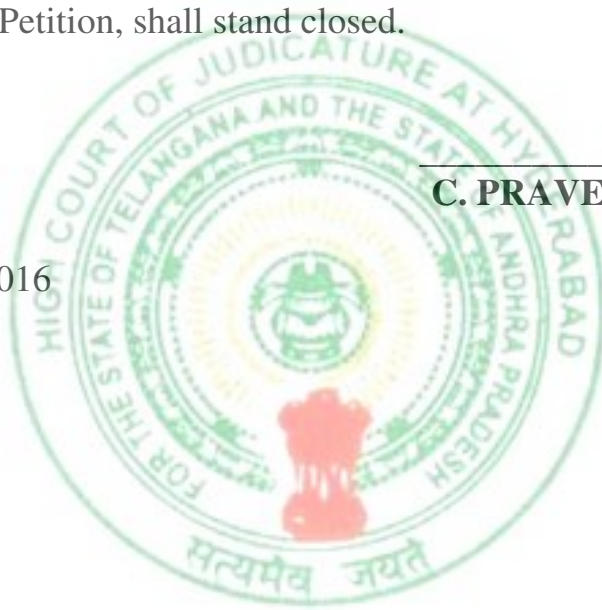
4. Taking into consideration the facts of the case, this Court is of the view that ends of justice would be met if the matter is remanded back to be decided on merits.

5. Accordingly, the Criminal Petition is allowed setting aside the impugned order. Consequently, CrI.M.P. No.92 of 2008 on the file of the learned XI Additional Chief Metropolitan Magistrate, Secunderabad is restored to file.

As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Petition, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 22.09.2016
DRK



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22.09.2016

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