

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL APPEAL No.1246 of 2016

JUDGMENT:

Vide the present appeal, the appellant/complainant has assailed the judgment dated 16.02.2012 passed in S.T.C. No.203 of 2009 on the file of the III Additional Judicial Magistrate of First Class, Tirupathi, Chittoor District.

Learned counsel appearing on behalf of the appellant/complainant submits that the lower Court ought to have seen that the complainant counsel has filed an application to condone the complainant absence as she could not appear due to personal inconvenience. However, the said Court dismissed the complaint holding that in spite of the direction given, the complainant has not turned up to lead in the evidence. Learned counsel further submits that the lower Court ought to have appreciated that on the earlier adjournment though it was reported that the counsel for the petitioner ready, however learned Court adjourned the matter for want of presence of accused to 16.02.2012.

A perusal of the docket order, which is at page No.9 and 10 of the petition, the appellant/complainant did not appear before the Court on number of dates fixed and sought adjournments, so taking into consideration the conduct of the complainant and was not present on the Court on 16.02.2012, the Court below dismissed the complaint.

The appellant herein also failed to show the grounds of illegality or perversity in the order passed by the court below.

Therefore, I find no merit in the present appeal and the same is accordingly dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date : 20-12-2016
Gvl

