

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2032 OF 2016

ORDER:

The present Criminal Revision Case came to be filed by the petitioner under Sections 397 and 401 Cr.P.C., challenging the order dated 25.06.2016 passed in CrI.R.P.No.25 of 2015 by the IX Additional Sessions Judge (FTC), Krishna at Machilipatnam, wherein the order dated 10.03.2015, passed in M.C.No.16 of 2013 by the Judicial Magistrate of First Class, Special Mobile Court, Krishna at Machilipatnam, granting maintenance was set aside.

2. The only plea taken by the learned counsel for the petitioner is that no opportunity was given to the petitioner herein to advance the arguments and it is his case that Criminal Revision Petition was disposed of even without serving notice on the petitioner.

3. Learned counsel for the 1st respondent fairly submits that, in the interest of justice, the matter may be remanded directing the appellate Court to hear both the parties and pass orders on merits.

4. Having regard to the facts and circumstances of the case and taking into consideration the submissions made, the Criminal Revision Case is allowed setting aside the order dated 25.06.2016 passed in CrI.R.P.No.25 of 2015 by the IX Additional Sessions Judge (FTC), Krishna at Machilipatnam and consequently, directing the learned Sessions Judge to hear the revision afresh and pass appropriate orders on merits, in accordance with law. It is to be

noted that no fresh notice will be issued to either side and the petitioner as well as the respondents shall appear before the appellate Court on the date fixed after verifying the same from the said Court.

JUSTICE C. PRAVEEN KUMAR

Date:22.09.2016
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