

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.3170 of 2015

ORDER :

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure seeking to set aside the order passed by the Hon'ble Metropolitan Sessions Judge, Cyberabad at L.B.Nagar in Crl.M.P.No.421 of 2014, dated 09-09-2015 and consequently allow the same condoning the delay of 892 days in preferring appeal against the order passed by Hon'ble VI Special Magistrate, Cyberabad at Hastinapuram in C.C.No.139 of 2011, dated 26-12-2011 dismissing the complaint for default.

It is the case of the petitioner that after filing of the complaint, the complaint was transferred to some other Court and the same was not informed by the counsel. He is also not aware of the pendency of the proceedings in another Court. The learned lower appellate Judge considered all the facts and dismissed the application to condone the delay. This Court is also of the view that when a complainant preferred a complaint, not ascertaining about the fact of the complaint filed in the Court for nearly 2 ½ years is highly improbable and also such a delay cannot be condoned and the petitioner has also not stated any proper reason for such a huge delay. Hence, this Court is not inclined to interfere with the impugned order.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01st February, 2016

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