

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.1840 OF 2015

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 08.07.2015 in Criminal Miscellaneous Petition No.384 of 2015 on the file of the Court of the Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the petitioner filed C.C.No.116 of 2012 on the file of the Court of the XI Special Magistrate, Secunderabad at Hyderabad against respondent Nos.2 to 4 under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act'). After full-fledged trial, the trial Court arrived at a conclusion that respondent Nos.2 to 4 did not commit the offence punishable under Section 138 of the N.I. Act and acquitted them.

4. Feeling aggrieved by the judgment, dated 26.05.2014, the petitioner filed an appeal along with Criminal Miscellaneous Petition No.384 of 2015 to condone the delay of 210 days in filing the appeal. On 08.07.2015 there was no representation on behalf of the petitioner, therefore, the trial Court was forced to dismiss the petition for default. For one reason or other, neither the petitioner nor the counsel appeared before the trial Court. If the revision is not allowed, the same may cause prejudice to the petitioner. Even if the revision is allowed, the same may not cause any prejudice to the respondents. The approach of the Court shall

be pragmatic but not pedantic while disposing of the petitions of this nature.

5. Having regard to the facts and circumstances of the case, the Criminal Revision Case is allowed setting aside the order dated 08.07.2015. Consequently, Criminal Miscellaneous Petition No.384 of 2015 is restored to file. The trial Court is hereby directed to dispose of the petition in accordance with law.

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

T.SUNIL CHOWDARY, J

Date: 18.10.2016
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