

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1416 of 2012

ORDER:

The petitioner – accused preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the docket order, dated 02.05.2012, passed in CrI.MP No.1999 of 2012 in CrI.MP No.1078 of 2011 by the III Additional Chief Metropolitan Magistrate, Vijayawada.

The 1st respondent filed a complaint before the Court below against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, along with an application for condonation of delay of 47 days in filing the complaint. The Court below allowed the said application vide order, dated 14.03.2012, on condition of 1st respondent paying costs of Rs.300/- on or before 10.04.2012, in case of failure, the said petition shall stand dismissed. Since the 1st respondent failed to comply the said condition, the Court below passed the following order on 10.04.2012:

“Cost not paid. Condition not complied. Petitioner called absent. No representation even when called at 4.30 p.m. Hence as per the conditional order dated 14.3.12 this petition is dismissed.”

Thereafter, the 1st respondent filed the impugned application stating that it was not aware to whom the costs to be paid and also the next date of hearing, and therefore, it failed to pay the costs. The Court below allowed the said application on 02.05.2012 and directed the office to number the CC. Aggrieved the same, the present revision is filed by the accused.

When the matter is taken up for hearing, there is no

representation on behalf of the petitioner - accused. This Court perused the material available on record.

On 16.10.2012, this Court granted interim stay of all further proceedings in CC No.228 of 2012 and subsequently, on 21.11.2013 the interim stay was vacated. On a perusal of the order under challenge, this Court is of the view that the said order does not warrant any interference by this Court since the Court below was convinced with the reasons mentioned by the 1st respondent for not complying with the conditional order passed by the Court below.

Considering the facts and circumstances of the case, this Court is not inclined to interfere with the order passed by the Court below. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

RAJA ELANGO, J

August 03, 2016.
KTL