

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.372 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner/complainant under Section 397 read with 401 Cr.P.C. challenging the judgment, dated 22.12.2014, in Criminal Appeal No.89 of 2014 on the file of the VI Additional Sessions Judge, Gooty whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 21.7.2014, in C.C.No.92 of 2013 on the file of the Judicial First Class Magistrate, Guntakal.

2. The petitioner herein is the complainant and he filed a complaint against respondent No.2 herein/accused before the learned Magistrate for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the same was numbered as C.C.No.92 of 2013. As the complainant was absent on several adjournments, the learned Magistrate adjourned the matter finally to 21.7.2014 on condition that if the complainant was absent on that day, his complaint would be dismissed. As the complainant was absent on 21.7.2014 and no representation was made on his behalf, the learned Magistrate dismissed C.C.No.92 of 2013. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the order of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Revision Case.

3. Heard and perused the material available on record.

4. Even though notice was served on respondent No.2, he is absent before this Court. After considering all the facts and circumstances of the case, this Court is of the view that one more

opportunity can be given to the petitioner to proceed with the case.

5. Accordingly, this Criminal Revision Case is allowed setting aside the judgment, dated 22.12.2014, in Criminal Appeal No.89 of 2014 on the file of the VI Additional Sessions Judge, Gooty and the judgment, dated 21.7.2014, in C.C.No.92 of 2013 on the file of the Judicial First Class Magistrate, Guntakal, with the following direction:

On receipt of the order of this Court, the trial Court is directed to issue notice to the petitioner/complainant as well as respondent No.2/accused and fix a date to proceed with the trial and to cross examine the witnesses and dispose of the case as expeditiously as possible.

6. The petitioner/complainant is directed to pay costs of Rs.3,000/- (Rupees three thousand only) to respondent No.2/accused on the date of his appearance before the trial Court.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

10.6.2016
AMD

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