

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.513 of 2016

ORDER

The present criminal revision case is directed against the docket order dated 15.12.2015 passed in C.C.No.193 of 2010 by the learned Judicial Magistrate of First Class at Godavarikhani.

2. Petitioner herein filed a complaint u/s.200 Cr.P.C., against the second respondent and the same was registered as C.C.No.193 of 2010 for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. On 15.12.2015, as the petitioner was called absent, the trial Court dismissed the complaint for default. Aggrieved by the same, the petitioner filed the present revision.

3. Learned counsel for the petitioner submits that due to ill-health, the petitioner could not appear before the trial Court on 15.12.2015 and therefore, the absence of petitioner before the trial Court is neither willful nor wanton.

4. Considering the facts and circumstances of the case and in view of the submission of the learned counsel for the petitioner that the absence of the petitioner is neither willful nor wanton, this Court is of the view that an opportunity should be given to the petitioner to proceed with trial of the case. In view of the same, the order

dated 15.12.2015 passed in C.C.No.193 of 2010 is set aside and the trial Court is directed to restore the said C.C. to its file and dispose of the same in accordance with law after affording an opportunity to both the parties.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

11th February, 2016
sj