

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1482 of 2016

ORDER:

This Criminal revision case is filed by the petitioner-complainant being aggrieved by the judgment dated 17.3.2016 passed by the II Additional Sessions Judge, Kurnool dismissing CrI.A.No.51 of 2014, which was filed against the judgment of Judicial Magistrate of First Class, Adoni dated 31.7.2013 in C.C.No.514 of 2010 acquitting the accused of the charge under Section 498-A IPC and Section 4 of Dowry Prohibition Act.

The judgment of lower appellate Court runs as follows:

“Appellant is called absent. No representation for appellant. Advocate is not present. Somebody gave a petition to Bench Clerk about the absence of appellant and it is dismissed. Respondents are present. Hence, the appeal is dismissed for the non-appearance of appellant and for non-arguing the case.”

Admittedly, on earlier occasions, both the parties appeared before the lower appellate Court and the appeal was posted for final hearing. Since because of absence of the petitioner on the particular date, the lower appellate Court dismissed the appeal for default. This Court is of the view that once the appeal is admitted, it should be disposed of after hearing both sides instead of dismissing the same on technical grounds.

Hence, the impugned judgment is set aside and the learned II Additional Sessions Judge, Kurnool is directed to restore CrI.A.No.51 of 2014 to its file, issue notices to the accused, hear both the sides and dispose of the appeal in accordance with law.

The Criminal Revision Case is disposed of accordingly. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

15th June, 2016

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