

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2663 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 406 of Cr.P.C., challenging the order dated 14.09.2016 passed in CrI.M.P.No.122 of 2016 in un-numbered criminal appeal, on the file of the Sessions Judge, Nizamabad.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor (TS).

3. A perusal of the record reveals that the petitioners have faced the trial in CC No.184 of 2010 on the file of the Judicial First Class Magistrate, Bodhan, for the offence punishable under Section 394 of IPC. After full-fledged trial, the trial court found the petitioners guilty for the offence under Section 394 of IPC, convicted and sentenced them to undergo rigorous imprisonment for a period of three years and also to pay a fine of Rs.10,000/- each, in default, they shall suffer simple imprisonment for six months each. Feeling aggrieved by the conviction and sentence imposed against the petitioners, preferred criminal appeal before the Sessions Court, Nizamabad. The petitioners filed petition under Section 5 of the Limitation act to condone the delay of 21 days in preferring the appeal.

4. On 14.09.2016, none appeared for the petitioners, therefore, the Sessions court dismissed the said petition for default.

5. At the time of arguments, learned counsel for the petitioners submits that due to ill-health, the counsel engaged by the petitioners before the Sessions Court, could not appear before the court on

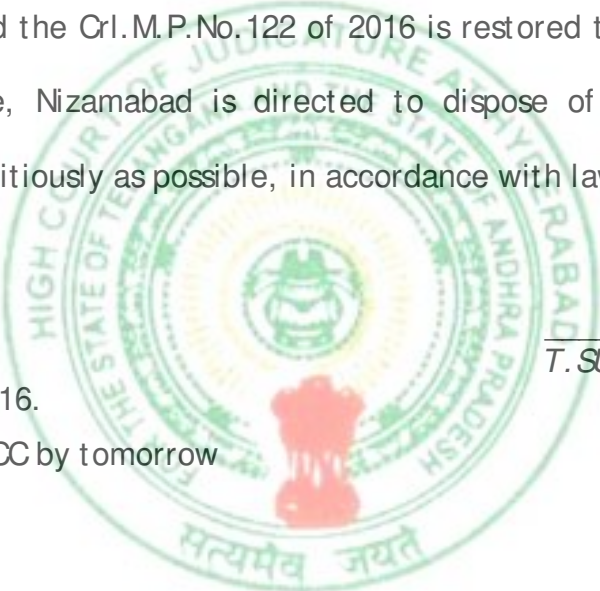
14.09.2016. He further submits that the counsel engaged by the petitioners died one week back.

6. The approach of the court shall be pragmatic while disposing of this type of matters. If the petition is not allowed, it may not possible for the petitioners to ventilate their legitimate grievance. Even if the petition is allowed, no prejudice would be caused to the respondent.

7. Having regard to the facts and circumstances of the case, this court is inclined to allow the criminal revision case. Consequently, the criminal revision case is allowed by setting aside the order dated 14.09.2016 and the CrI.M.P.No.122 of 2016 is restored to file. The learned Sessions Judge, Nizamabad is directed to dispose of CrI.M.P.No.122 of 2016, as expeditiously as possible, in accordance with law.

Date: 25.10.2016.

Note: Furnish CC by tomorrow
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T. SUNIL CHOWDARY, J

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Date: 25.10.2016

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