

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.225 OF 2005

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order, dated 08.12.2004, passed in C.C.No.245 of 2004, whereby the learned Judge dismissed the C.C., for default.

Heard and perused the material available on record.

The Court below dismissed the C.C., on the ground that the complaint was absent and there was no representation. Further, the complainant has not paid the process to issue Non Bailable Warrants against the accused. Hence, the Court below was of the view that the complainant was not interested to proceed with the case.

On perusing the order under challenge, this Court is of the view that the order dismissing for default amounts to order of acquittal and against which, Criminal Appeal would lie and as such, the criminal revision case is not maintainable. Hence, the criminal revision case fails and is liable to be dismissed as not maintainable.

The criminal revision case is accordingly dismissed as not maintainable. Consequently, the miscellaneous petitions, if any pending in this revision case, shall stand closed.

JUSTICE RAJA ELANGO

22.09.2016
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