

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1673 OF 2016

ORDER:

The petitioner/complainant 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 10.03.2016 passed in Criminal Appeal No.198 of 2015 on the file of the Metropolitan Sessions Judge, Visakhapatnam, whereby the learned Sessions Judge confirmed the Judgment dated 01.06.2015 in C.C.No.49 of 2014 passed by the II Metropolitan Magistrate (for Railways), Visakhapatnam, in dismissing the complaint.

Heard and perused the material available on record.

Learned counsel for the petitioner/complainant submits that the petitioner was absent before the Courts below due to personal inconvenience and that his absence was neither wilful nor wanton. He further submits that if the C.C., is dismissed without hearing the petitioner/complainant, injustice would be caused to him. Hence, he prays this Court to direct the trial Court to restore C.C.No.49 of 2014 on its file.

Admittedly, the trial Court dismissed C.C., on the ground that the complainant has not paid batta and also he was called absent. Against which, the petitioner/complainant preferred the Criminal Appeal before the lower appellate Court and that the same is also dismissed for non-appearance of the complainant.

Considering the facts and circumstances of the case, this Court is inclined to give one more chance to the petitioner/complainant to prosecute his case. Hence, the Judgement, dated 10.03.2016, passed in Crl.A.No.198 of 2015, by the Court of the I Additional Metropolitan Sessions Judge, Visakhapatnam, is set aside and the trial Court is directed to restore C.C.No.49 of 2014 on its file and pass appropriate orders on hearing the petitioner/complainant. It is made clear that if the petitioner fails to appear before the trial Court, the trial Court is at liberty to pass appropriate orders in accordance with law.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.07.2016

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