

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2700 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the docket order, dated 02-09-2016 in Cr.No.190 of 2013 of Huzurnagar Police Station, on the file of the Judl. Magistrate of I Class, Huzurnagar.

2. Heard both the counsel and the learned Additional Public Prosecutor, representing the State.

3. A perusal of the record reveals that basing on the complaint given by the petitioner, the Station House Officer, Huzurnagar, registered a case in the above crime for the offences punishable under Sections 120 (B), 420, 464, 468, 471, 477-A, 109 and 406 r/w 34 IPC. After completion of investigation, the Investigating Officer referred the matter as 'civil in nature'.

4. Aggrieved by the orders of the Investigating Officer, the petitioner filed a complaint under Sections 190 and 200 Cr.P.C. For one reason or the other, the petitioner could not attend the Court on 02-09-2016 and therefore, the trial Court dismissed the complaint for default.

5. Learned counsel for the petitioner submitted that the petitioner has been attending the Court regularly, except on 02-09-2016.

6. While passing orders of this nature, the approach of the Court shall be pragmatic, but not pedantic. Some times parties may not attend the Court due to reasons beyond their control. Simply because, the complainant did not attend the Court on 02-09-2016, the

same is not a valid ground to dismiss the complaint. If the revision is not allowed, it may not be possible for the petitioner to ventilate his legitimate and legal grievances. If the revision is allowed, it may not cause any prejudice to the respondent.

7. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the docket order, dated 02-09-2016.

8. Accordingly, the Criminal Revision Case is allowed setting aside the docket order, dated 02-09-2016 in Cr.No.190 of 2013 of Huzurnagar Police Station, on the file of the Judl. Magistrate of I Class, Huzurnagar and consequently, Cr.No.190 of 2013 of Huzurnagar P.S. is restored to its original file. The trial Court is directed to dispose of the complaint in accordance with law. Miscellaneous petitions, if any pending in this revision, shall stand closed.

DATED: 15-11-2016.
Hsd

T.SUNIL CHOWDARY, J