

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.965 OF 2016

JUDGMENT:

This Criminal Appeal is preferred by the appellant/complainant against the docket order, dated 02.08.2016, passed in C.C.No.92 of 2016 by the II Special Magistrate at Hastinapuram, Ranga Reddy District, whereby the learned Judge dismissed the complaint and acquitted the accused under Section 256 of Code of Criminal Procedure.

Heard and perused the material available on record.

Learned counsel for the appellant submits that the Court below erroneously dismissed the complaint and acquitted the accused, as the counsel appearing on behalf of the appellant before the Court below was absent and there was no representation. He further submits that the appellant has no knowledge about the transfer of the case to the Special Magistrate at Hastinapuram, as the advocates have been boycotting the courts during the days when the matter has been called.

A perusal of the docket orders of the Court below clearly reveals that the counsel for the appellant was absent on 27.05.2016, 10.06.2016, 17.06.2016, 24.06.2016, 01.07.2016, 08.07.2016, 15.07.2016, 22.07.2016 and 29.07.2016, and finally on 02.08.2016, when the counsel for the appellant was absent, the Court below passed the orders dismissing the complaint of the appellant and acquitted the accused. Hence, this Court is of the view that after adjourning the case on number of occasions in view of the absence of the complainant, the Court below dismissed the complaint and acquitted the accused.

This Court is of the view that the Court below rightly dismissed the complaint and acquitted the accused, as the reasons stated by the appellant for his absence is not justified. Hence, this Court is not inclined to

interfere with the docket order passed by the Court below and as such, the criminal appeal fails and is liable to be dismissed.

The Criminal Appeal is accordingly dismissed. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

JUSTICE RAJA ELANGO

29.09.2016
pln

