

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2320 of 2016

ORDER:

- 1) The present Criminal Revision Case came to be filed under Sections 397 and 401 of Cr.P.C. against the order dated 23.01.2014 passed in C.A.No.21 of 2013 on the file of the District and Sessions Judge, Chittoor.
- 2) Learned counsel for the petitioner submits that the petitioner was not given an opportunity of arguing the matter in the appeal and great prejudice would be caused to the petitioner if 50% of the seized stock is confiscated to the Government.
- 3) Learned Public Prosecutor did not dispute the fact of appellant being not heard while deciding the appeal.
- 4) As seen from the record, originally, the petitioner filed C.A.No.21 of 2013 challenging the order of the District Collector Chittoor in Roc.No.D1/ 489/ 2012 dated 13.12.2012. Paragraph No.7 of the impugned order clearly shows that the right of the appellant to argue the appeal was forfeited as he did not chose to attend the Court and there was no representation on his behalf on 29.10.2013 in spite of conditional order dated 01.10.2013.
- 5) Having regard to the facts and circumstances of the case, the order under challenge is set aside and the matter is remanded back to the Court of District and Sessions Judge, Chittoor, to pass orders on merits after hearing the petitioner as well as the Public

Prosecutor. It is needless to mention that no fresh notice need be issued to the petitioner, on the otherhand, the petitioner shall verify the date of adjournment and advance arguments on his behalf on the date fixed by the learned District and Sessions Judge, Chittoor.

6) Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stands closed.

C. PRAVEEN KUMAR, J

23.09.2016
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