

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5939 of 2013

ORDER :

The petitioner/Accused in C.C. No.249 of 2010 on the file of III Additional Chief Metropolitan Magistrate, Vijayawada on the private complaint maintained by the 2nd respondent herein for the offence punishable under Section 138 of the Negotiable Instruments Act for dishonour of the cheque, from the complainant aggrieved by the dismissal for default of the private complaint case on 05.06.2012 maintained revision and he is served with and submitted to the jurisdiction of the Court and the revision on merits was allowed.

2) It is impugning the same, present petition is filed under Section 482 Cr.P.C as the 1st respondent to the revision by the petitioner/accused. One of the contentions is revision is not maintainable and remedy is appeal under Section 372 (amended) Cr.P.C. In fact, having submitted to the jurisdiction not raised the plea on maintainability to answer, it is not left open. Once the Court found referring to the judgment in ***Theruvai Govindamma V. Chenchiah***^[1] of even with a direction for appearance of the complainant not appeared for one adjournment not a ground to dismiss in restoring the complaint, there is nothing even against the order on merits under Section

482 Cr.P.C.

3) In the result, the petition is dismissed for no merits. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.01.2016
ksh

[\[1\]](#) 1995(1) ALT (CrI.) 297