

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1435 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 11.11.2014 passed in CrI.R.P.No.425 of 2013 by the III Additional Metropolitan Sessions Judge, Hyderabad.

2. Brief facts of the case are as follows:

On the complaint given by the 2nd respondent-de facto complainant, a case was registered against the petitioner and ultimately, the police filed a final report stating that they are closing the case due to lack of evidence. Hence, the 2nd respondent-complainant filed a protest petition viz., SR No.3314 of 2013 before the VIII Additional Chief Metropolitan Magistrate, Hyderabad. The learned Magistrate dismissed the same. Aggrieved by the same, the 2nd respondent-complainant filed the above Revision Petition before the III Additional Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge allowed the revision by setting aside the order of the learned Magistrate in S.R.No.3314 of 2013 and by directing the Magistrate to proceed further as per procedure. Aggrieved by the same, the petitioner filed this revision case.

3. Heard and perused the material available on record.

4. From the material on record and the order under revision, it is obvious that there are civil disputes between the parties. In the order under revision, it is observed that as on the date of the complaint, no suit was pending and subsequent to the filing of the complaint, the accused filed a suit against the complainant. The learned Magistrate fully relied upon the final report submitted by the police, while considering the evidence of the complainant and other witnesses at

the stage of enquiry and dismissed the complaint. The approach of the Magistrate is not in accordance with law. In view of these circumstances, the learned Sessions Judge set aside the order of the learned Magistrate and directed to proceed further.

5. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the order under revision. However, the presence of the petitioner before the trial Court is dispensed with except on the dates when his presence is specifically insisted by the trial Court.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.6.2016

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