

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.1345 OF 2009

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., challenging the order, dated 29.06.2009 in R.P.No.94 of 2009 on the file of the Metropolitan Sessions Judge, Hyderabad.

2. No representation on behalf of the petitioners on 31.08.2017; therefore, the Registry was directed to list the matter today under the caption 'for orders'. Even today also, there is no representation on behalf of the petitioners; therefore, this Court is inclined to dispose of this revision on merits.

3. None appears on behalf of the 1st respondent-complainant.

4. A perusal of the record reveals that the petitioners-accused are facing trial in C.C.No.1188 of 2004 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, for the offences punishable under Sections 325, 351 and 448 r/w 34 IPC. During the pendency of above C.C., the complainant filed CrI.M.P.No.3977 of 2009 under Section 311 Cr.P.C. to recall P.Ws. 1 to 4. The trial Court dismissed the said petition, by order, dated 15.07.2009. Aggrieved by the said order, the complainant filed R.P.No.94 of 2009 on the file of the Metropolitan Sessions Judge, Hyderabad. The learned Sessions Judge, after considering the material available on record, allowed the Revision Petition. Hence, this revision by the accused.

5. A perusal of the record reveals that the trial Court dismissed the petition without assigning any reasons, much

less, cogent and valid reasons. Whereas the revisional Court taking into consideration the facts and circumstances of the case, allowed the Revision Petition setting aside the order of the trial Court on a condition of petitioner-complainant paying costs of Rs.4,000/- on or before 05.08.2009, and in default, the Revision Petition shall stand dismissed automatically.

6. While disposing of this type of petitions, the Court has to take into consideration the prejudice likely to be caused to the parties to the proceedings. If the petition is allowed by re-calling P.Ws. 1 to 4, no prejudice would be caused to the accused. If the petition is dismissed, it may not be possible for the complainant to establish his case. As observed earlier, the trial Court dismissed the petition without assigning any reasons, whereas the revisional Court allowed the petition basing on the material available on record. There is no illegality or irregularity in the order passed by the revisional Court, which warrants interference of this Court while exercising the revisional jurisdiction under Sections 397 and 401 Cr.P.C. Hence, the revision lacks merits and bona fides and is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending, in this revision shall stand closed.

DATED: 07-09-2017.
Hsd

T.SUNIL CHOWDARY, J