

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1161 of 2017

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed challenging the order, dated 16.03.2017 passed by the Metropolitan Sessions Judge, Hyderabad, dismissing CrI.MP.No.3023 of 2016 filed in CrI.A.(SR).No.11898 of 2016 preferred against the order, dated 23.10.2016 in DVC No.45 of 2013 passed by I Metropolitan Magistrate, Hyderabad.

Petitioner before this Court filed DVC.No.45 of 2013 before III Metropolitan Magistrate, Hyderabad. Due to Advocates abstaining from attending Courts etc., the evidence was closed and respondent filed a petition to reopen evidence and recall P.W.1 and that petition was allowed by I Metropolitan Magistrate vide order, dated 23.10.2016 against which petitioner filed CrI.A.(SR).No.11898 of 2016 before the Metropolitan Sessions Judge, Hyderabad. She also filed CrI.MP.No.3023 of 2016 to condone delay of 55 days in filing such appeal.

The reason assigned by petitioner for delay was that the Office of the counsel was under renovation and therefore they

could not trace the record to file an appeal within the time and in support of the contention before this Court, the affidavits of Smt. Shara Bhanu, junior counsel of Mirza Nisar Ahmed Baig Nizami, and also the senior counsel, Mirza Nisar Ahmed Baig Nizami, were filed contending that the Office of Mirza Nisar Ahmed Baig Nizami was under renovation. The counsel Sri P. Vamsheedhar Reddy fairly conceded for condonation of delay. He however requested to direct the Metropolitan Sessions Judge to decide the appeal as expeditiously as possible.

Since Crl.A.(SR).No.11898 of 2016 is filed against an interlocutory order in DVC, accepting the reason assigned by petitioner in the affidavits filed by both the counsel and in view of the request made by respondent No.2's counsel, Sri P. Vamsheedhar Reddy, the Criminal Revision Case is allowed condoning delay of 55 days in filing Crl.A.(SR).No.11898 of 2016 against the order, dated 23.10.2016 passed by I Metropolitan Magistrate, Hyderabad, in DVC No.45 of 2013, as the petitioner was prevented by sufficient cause that means a cause beyond her reasonable control, by setting aside the order, dated 16.03.2017 passed by the Metropolitan Sessions Judge, Hyderabad, in Crl.MP.No.3023 of 2016 in Crl.A.(SR).No.11898 of 2016. Consequently, Crl.MP.No.3023 of

2016 is allowed. However, since Crl.A.(SR).No.11898 of 2016 is preferred against an interlocutory order, the Metropolitan Sessions Judge is requested to decide the appeal as expeditiously as possible in any event not later than three months from the date of receipt of a copy of the order.

Consequently, pending Miscellaneous Petitions, if any, shall stand disposed of.

M.SATYANARAYANA MURTHY, J

23rd AUGUST, 2017.

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