

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2179 OF 2015

ORDER:

Heard the learned counsel for the revision petitioner, learned Public Prosecutor for the 1st respondent and learned counsel for respondents 2 and 3. Perused the impugned order and the material available on record.

What the revision petitioner tried to thrust on this Court, while sitting in revision to interfere with the impugned so-called reasoned order, dated 19.06.2015, in CrI.M.P.No.52 of 2015, of the learned lower appellate Court in dismissing the application to condone the delay of 735 days in filing the appeal against the judgment, dated 31.12.2012, in C.C.No.131 of 2012, on the file of I Special Magistrate Court, Ranga Reddy District, at L.B. Nagar, is that after the acquittal judgment in C.C.No.131 of 2012 (outcome of a private complaint referred to police, and after conducting trial, it was ended in acquittal ultimately on 31.12.2012), the *de facto* complainant has approached the learned Additional Public Prosecutor of the III Metropolitan Magistrate Court, Ranga Reddy District, to prefer an appeal against the said judgment and after perusing the certified copies of the judgment, evidence produced on behalf of the prosecution, the learned Additional Public Prosecutor was of the opinion that there are grounds for preferring the appeal and by enclosing copies of the same, the learned Additional Public Prosecutor also addressed the same to the Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad, on 15.03.2013 and the Commissioner of Police, after perusing the material enclosed to him, instructed the

de facto complainant to prefer an appeal in the above said C.C.No.131 of 2012 through learned Public Prosecutor of the concerned Court and having ultimately unsuccessfully waited having come to know of the amendment in Section 372 Cr.P.C. by Proviso of it by Act 5 of 2009, with effect from 31.12.2009, it caused delay in filing the appeal, thereby the delay ought to have been considered by the lower appellate Court. Whereas it is the submission of the learned counsel for accused persons, respondents 2 and 3, that the impugned order, dated 19.06.2015, supported by cogent reasons, no way requires interference for no impropriety or illegality or incorrectness for sitting in revision and hence, to dismiss the criminal revision case.

Heard. Perused the material on record.

As referred supra, undisputedly, the *de facto* complainant is a retired employee and he is conscious and monitoring the case right from the beginning, including filing of a private complaint through Advocate and after acquittal, the *de facto* complainant obtained certified copies of the judgment and depositions and even approached the learned Additional Public Prosecutor of the III Metropolitan Magistrate Court, Ranga Reddy District, to prefer an appeal against the said judgment and the learned Additional Public Prosecutor has also addressed a letter, dated 15.03.2013, to the Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Hyderabad, and the learned Commissioner of Police instructed the *de facto* complainant to prefer an appeal in the above said C.C.No.131 of 2012 to say that even by then, as referred supra there is an amendment in Section 372 Cr.P.C. by Proviso of 1 by Act 5 of 2009 by availing a right by a victim if at all within the

meaning of Section 372 of the amended Cr.P.C., leave about, even a victim can maintain or *de facto* complainant can maintain a revision even against an acquittal judgment directly in High Court and not adopted the recourse and for the delay of 735 days as rightly concluded by the lower appellate Court there are no grounds to condone in dismissing the application. Thereby the Criminal Revision Case is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10th February, 2017

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