

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5260 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. challenging the order dated 31.01.2017 in CrI.M.P.No.13 of 2017 in CrI.R.P.No.22 of 2016 on the file of the Court of the III Additional District and Sessions Judge, Asifabad.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the petitioner is the *de-facto* complainant in Crime No.133 of 2015 on the file of the Station House Officer, Tandur Police Station. After completion of investigation, the police filed the final report. Being not satisfied with the final report, the petitioner herein filed CrI.M.P.No.Nil of 2016 in C.C.No.Nil of 2016 in R.C.S.No.76 of 2016 on the file of the Court of the Judicial First Class Magistrate at Bellampalli. The trial Court dismissed the protest petition for non-appearance of the petitioner. The petitioner herein filed CrI.R.P.No.22 of 2016 on the file of the Court of the III Additional District and Sessions Judge, Asifabad. The learned District Judge allowed the petition by granting one month time to adduce evidence of the petitioner. For one reason or other, the petitioner could not adduce evidence. The petitioner filed CrI.M.P.No.13 of 2017 in CrI.R.P.No.22 of 2016 seeking one month time. The revisional Court dismissed the said petition.

4. Learned counsel for the petitioner submitted that due to reasons beyond the control of the petitioner, he could not comply the said order.

5. Having regard to the facts and circumstances of the case, I am of the considered view that even if one more opportunity is given to the petitioner, no prejudice will be caused to the second respondent.

6. In the result, the Criminal Petition is allowed setting aside the order dated 31.01.2017 in Crl.M.P.No.13 of 2017. Consequently, Crl.M.P. No.13 of 2017 in Crl.R.P.No.22 of 2016 on the file of the Court of the III Additional District and Sessions Judge, Asifabad, and the petitioner is permitted to complete the evidence on his side on or before 31.08.2017. If the petitioner fails to adduce the evidence within the stipulated time, the trial Court is at liberty to pass appropriate orders in accordance with law.

7. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 06.07.2017
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