

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

Criminal Revision Case No.1210 of 2015

JUDGMENT:

This Criminal Revision Case is filed by the petitioner under Sections 397 and 401 Cr.P.C., challenging the order dated 12.12.2012 passed in CC No.413 of 2012 on the file of the XVI Additional Judge cum XX Additional Chief Metropolitan Magistrate, Hyderabad.

2. Heard both sides and perused the record.

3. A perusal of the record reveals that the petitioner herein filed a complaint under Section 200 Cr.P.C., against the first respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial court adjourned the matter on two or three occasions for non-appearance of PW.1. The trial court having no alternative dismissed the complaint for default. Hence, the present revision.

4. A perusal of the record reveals that due to ill-health, the petitioner could not attend the court. The fact remains that the case was dismissed for default. While disposing of this type of petitions, the approach of the court shall be pragmatic and not pedantic. If the revision case is not allowed, it may cause untold hardship to the petitioner. Even if the revision case is allowed, the same may not cause any prejudice to the first respondent. Having regard to the facts and circumstances of the case, I am of the considered view that this is a fit case to allow the revision.

5. Accordingly, the criminal revision case is allowed, by setting aside the order dated 12.12.2012 passed in CC No.413 of 2012.

Consequently, CC No.413 of 2012 is restored. The trial court is hereby directed to dispose of the above case within three months from the date of receipt of a copy of this order. If the petitioner fails to cooperate with the trial court, the trial court is at liberty to pass orders in accordance with law. Miscellaneous petitions, if any pending, in this revision shall stand closed.

Dated: 05.01.2017
BSS

T.SUNIL CHOWDARY, J



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Date: 05.01.2017

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