

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1048 of 2017

JUDGMENT:

This criminal revision case, under Sections 397 and 401 of Cr.P.C., is filed challenging the order, dated 14-03-2017 in CrI.M.P.No.3062 of 2016 passed by the Metropolitan Sessions Judge, Hyderabad, whereby the Court dismissed the petition for non-payment of process fee though posted finally.

The petitioner herein filed Criminal Appeal before the Sessions Court along with an application, under Rule 127 of Criminal Rules of Practice, to condone delay of 269 days in preferring the Criminal Appeal, and the Sessions Court ordered notice to the respondent/complainant, but no process fee was paid. In such case, the Court below has no option except to dismiss the petition for non-payment of process fee.

Though the revision was filed by the petitioner/accused represented by his counsel, Sri P. Achut Rama Shastry, but neither appeared before this Court nor got it represented through any other counsel. In such case, this Court cannot dismiss the Criminal Revision Case for default. But, the Court is entitled to decide the revision verifying the record as held in

Misha Sharma v. Vinod Kumar Sharma¹, wherein it is made clear that a revision petition cannot be dismissed for default. Even if the petitioner or his advocate does not appear the court shall examine the record and decide the revision on merits.

Therefore, following the law declared by Delhi High Court, I verified the material papers and find no ground to interfere with the order passed by the Court below as the petitioner did not pay process fee for service of notice on the respondent, such careless prosecution lead to dismissal of petition by trial Court. More over, even before this Court the complainant did not appear and represent the revision and left it to its fate.

Accordingly, the Criminal Revision Case is dismissed.

The Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

August 18, 2017

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¹ 1990 Cr.LJ. (NOC) 57 (Del.)

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