

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.3279 OF 2017

JUDGMENT:

Precisely, the order under challenge herein is dated 06.12.2017 in CrI.M.P. No.855 of 2017 in C.C. NO.896 of 2016, which order was passed pursuant to the condition imposed in the order, dated 04.12.2017 in the very same CrI.M.P. which reads thus:

“Petitioner absent. No representation though waited till 12:30 P.M. So petition is dismissed.”

2. The order earlier passed on 04.12.2017 reads thus:

“It is a case U/s.138 of Negotiable Instrument Act, filed one year back. Case underwent 15 adjournments. Accused did not even appear. Summons, ordered to accused 7 times are not yet served. One advocate was appointed as commissioner to serve the summons. He filed a report on 29-06-2017 stating that he could go to house of accused, found him absent and tried to serve summons on wife of accused; she refused to receive. Summons in criminal cases shall be served on adult male member of the family, if the accused is absent. So attempt to serve the summons on the wife of accused is incorrect. But fact remains that accused had knowledge about pendency about this case. No progress in the case for one year for want of accused though he had knowledge. If petition is allowed unconditional, he may show same disinterest-ness in attending the court. So petition is allowed, on executing a bond for Rs.10,000/-, with 2 sureties for likesum each and on paying of Rs.10,000/- to complainant towards cost of advocate commissioner and he shall appear on

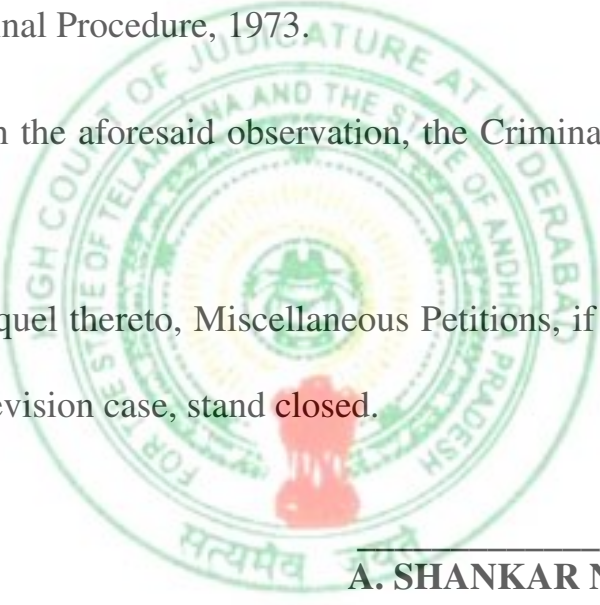
06-12-2017 to take copies and participate in proceedings.

Otherwise petition stands dismissed. ”

3. Both the orders passed by the learned Magistrate, more particularly, the latter order, can neither be construed as a final order giving rise to preferring the Criminal Revision Case, nor any intermediate order. Therefore, the present Criminal Revision Case is misconceived. However, it is open to the revision petitioner to avail of the remedies that are available to him under the Provisions of the Code of Criminal Procedure, 1973.

4. With the aforesaid observation, the Criminal Revision Case is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the criminal revision case, stand closed.

A. SHANKAR NARAYANA, J

December 19, 2017.

Mgr