

SMT JUSTICE T.RAJANI

CRIMINAL APPEAL No.45 OF 2018

JUDGMENT:

This appeal is preferred against the docket order 06.12.2017 passed by the Judicial First Class Magistrate at, Bhainsa in CC No. 626/2015 by virtue of which, the complaint was dismissed on the ground that the complainant was called. present in the call work and also till lunch time. when the matter was passed over to record evidence and when the matter was called at 3.30 P.M.and 4.30 P.M, neither the complainant nor the counsel was present. The notice to the *de facto* complainant was served but nobody appeared.

2. However, this Court is of the opinion that, it would be better for any case to be decided on merits and, the complainant cannot be told off at the threshold itself. Hence, this Court is inclined to grant another opportunity to the complainant, to prosecute his case.

3. Accordingly, the Criminal Appeal is allowed by setting-aside the impugned docket order dated 06.12.2017 in C.C.No.626 of 2015. However, the complainant shall abide by the direction that would be imposed by the Court below, after receiving the record; failing which, the impugned docket order would stand confirmed.

4. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

Date: 07.02.2018.

JR