

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. R.C. No.42 of 2018

ORDER:

This Crl.R.C is filed by the petitioner/appellant aggrieved by the order dated 23.11.2017 whereunder learned Principal Sessions Judge, Karimnagar, dismissed Criminal Appeal No.160 of 2017 on the ground that batta was not filed to issue process to 2nd respondent.

2) Heard arguments of Sri K.Venu Madhav, learned counsel for petitioner and learned Addl. Public Prosecutor for the State (Telangana).

3) Learned counsel for petitioner would submit that 2nd respondent, who is the owner of the vehicle is only a formal party in the appeal and the State, who is the 1st respondent was already served notice through learned Public Prosecutor and considering the same, lower Appellate Court ought not to have dismissed the appeal for non-filing process to the 2nd respondent and in any event if an opportunity is given, the petitioner would file process for 2nd respondent.

4) Considering the said submission, the Crl.R.C. is allowed and consequently, Crl.A.No.160 of 2017 is restored to file with a direction to the petitioner to pay process to 2nd respondent within two(2) weeks from the date of receipt of a copy of this order by the lower Appellate Court.

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

U. DURGA PRASAD RAO, J

Date: 25.01.2018

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