

SMT JUSTICE T.RAJANI

CRIMINAL APPEAL NO.326 OF 2018

ORDER:

This Criminal Appeal is preferred against the order dated 15.12.2017 passed in C.F.R.No.10499 of 2017 on the file of the Additional Judicial First Class Magistrate at Adoni.

Heard the learned counsel for the appellant, learned Public Prosecutor for the State and perused the record.

Since the complaint was dismissed for default, it is considered that notice to the second respondent is not required.

A perusal of the impugned order shows that the Court below dismissed the complaint considering the fact that the complainant was called absent and there was no representation. However, this Court opines that it would be better for any case to be decided on merits. Hence, another opportunity needs to be given to the appellant to get the case decided on merits.

Considering the above, the Criminal Appeal is allowed and the order dated 15.12.2017 passed in C.F.R.No.10499 of 2017 on the file of the Additional Judicial First Class Magistrate at Adoni, is hereby set aside. The appellant shall comply with the order of the Court below that would be made immediately after receiving the records. Miscellaneous petitions, if any, pending shall stand closed.

(T.RAJANI, J)

2nd February 2018
RRB