

SMT JUSTICE T.RAJANI

CRIMINAL APPEAL No.297 OF 2018

JUDGMENT:

This Criminal Appeal is preferred against the docket order, dated 05.12.2017, passed in C.C. No.318 of 2017 by the learned XXII Special Magistrate, Hyderabad (for short, the 'Court below'); by virtue of which, the complaint was dismissed on the ground that the complainant was not present from 10:30 a.m. to 01:10 p.m. on 05.12.2017 and on the earlier occasion also though he filed chief-affidavit, no documents were filed in support thereof.

2. However, considering the above, 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. However, the complainant shall comply with the direction that would be imposed by the Court below, after receiving the record; failing which, the impugned docket order would stand confirmed.

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

T. RAJANI, J

Date: 01.02.2018.
Dsh

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