

SMT JUSTICE T. RAJANI

IA.No.1 of 2018

&

CRIMINAL APPEAL No.656 of 2018

JUDGMENT:

IA.No.1 of 2018:

Leave granted.

CRLA.No.656 of 2018:

This appeal is preferred against the docket order dated 29.08.2017 in CC.No.235 of 2017 on the file of the Judicial First Class Magistrate, Hindupur, Anantapur District, by virtue of which the Court below dismissed the complaint on the ground that there was no representation on behalf of complainant and batta was not paid.

2. Immediately after taking the case on file, when the matter was posted to 28.07.2017, the complainant was absent and as the accused was also absent, NBWs were issued against the accused. When the matter was again taken up on 29.08.2017, the complainant was absent and considering that the complainant did not pay batta and did not show interest in the matter, the case was dismissed for default.

3. However, this Court opines that it would be better for any case to be decided on merits and it would not be just to be told off at the threshold itself. Hence, in order to render another opportunity to the appellant/complainant to get the case prosecuted on merits, the docket order of the Court below is set aside. However, the appellant/complainant shall comply with the order that would be passed by the Court below immediately after receiving the case papers, failing which the impugned order shall stand confirmed.

The criminal appeal is allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

February 27, 2018

Note: Furnish C.C. by 28.02.2018
(B/o) DSK

