

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.817 of 2006

ORDER:

Despite service of notice on the counsel for the 2nd respondent/de-facto complainant, there is no representation on his behalf. Notices were also issued by the Lok Adalat to the parties to the litigation for settlement. In spite of the same, the parties remained absent. Therefore, notice on the 2nd respondent/de-facto complainant is held sufficient.

2. Heard the learned counsel for petitioner/accused and perused the record.

3. This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, challenging the docket order, dated 05.12.2005, passed in CrI.M.P.No.3283 of 2005 in C.C.No.68 of 2006 by the Judicial Magistrate of First Class, Mahabubnagar.

4. The docket order/s in CrI.M.P.No.3283 of 2005 in C.C.No.68 of 2006, read as follows:-

17-6-2005 : The date of returned of notice as unclaimed do not tally with the documents filed along with complainant and it is not correct. Returned.

27-09-2005 : Resubmitted. Objections complied.

Delay Compl. Petition

76 days delay.

01-10-2005 : Objections complied.

05-10-2005 : Petition is in order. Hence petition is allowed.

5. The impugned docket order simply reads that objections complied, petition is in order and hence the petition is allowed. Admittedly, no

notice was issued to the other side in the subject delay condonation petition before the impugned docket order was passed. The order is bereft of reasons. The Court below ought to have issued notice to the other side before adjudicating the delay condonation application. There is grave miscarriage of justice. The impugned order cannot be sustained and is liable to be set aside.

6. In the result, the Criminal Revision Case is allowed and the docket order, dated 05.12.2005, passed in CrI.M.P.No.3283 of 2005 in C.C.No.68 of 2006 by the Judicial Magistrate of First Class, Mahabubnagar, is set aside. The Court below is directed to issue notice to the other side in the subject delay condonation petition and dispose of the same in accordance with law.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand dismissed.

19th April, 2018
Bvv

Dr. SHAMEEM AKTHER, J

