

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.458 of 2018

ORDER:

Heard the learned counsel for the petitioner.

In the opinion of this Court, this Revision Case can be disposed of at the admission stage without necessity of affording notice to the 1st respondent in view of the facts involved in this case.

This Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 9th January, 2018 in Criminal Revision Petition No.47 of 2015 passed by the learned III Additional Sessions Judge, Karimnagar, whereby the order dated 22nd August, 2015 in CrI.M.P.No.770 of 2015 in Cr.No.273 of 2012 was set aside with a direction to the Magistrate to dispose of the Protest Petition.

Briefly facts are that the petitioner/complainant was not present and hence, the petition was dismissed for non-prosecution on 22nd August, 2015 by the I Additional Judicial Magistrate of First Class, Karimnagar. Aggrieved, the respondent/complainant herein filed Criminal Revision Petition No.47 of 2015 before the III Additional Sessions Judge, Karimnagar and learned Judge allowed the said Criminal Revision Petition No.47 of 2015 with an observation that since the revision petitioner was very much disputing the genuineness of the sale deed in favour of the accused in respect of Ac.2.05 ½ guntas of land said to have been executed by his father on the ground that it was a fictitious document, it is

appropriate to give an opportunity to prove his case. Learned Judge thus passed the order allowing the revision petition by setting aside the impugned order dated 22-8-2015.

On a perusal of the impugned order, this Court found no illegality or perversity in the order impugned. A Protest Petition filed by the respondent/Government was dismissed due to his absence on 22nd August, 2015 and in the revision filed against the said order, the III Additional District and Sessions Judge, Karimnagar allowed the revision on the ground that an opportunity should be accorded to the complainant to establish his case. Therefore, there is no prejudice caused to the petitioner/accused and there are no merits in the Protest Petition. The Court concerned shall pass appropriate orders on merits thereon.

Hence, this Criminal Revision Case is dismissed with the above observation.

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

JUSTICE U.DURGA PRASAD RAO

Dated 20-2-2018.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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Dvs