

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.405 of 2018

ORDER :

This Criminal Revision Case is arising out of the order dated 17.01.2018 in CrI.MP.No.1884 of 2017 in CrI.A.(SR).No.8396 of 2017 passed by the learned Metropolitan Sessions Judge, Hyderabad.

Respondent Nos.1 and 2 herein have filed DVC.No.138 of 2012 against the petitioner herein seeking maintenance and compensation and the same was dismissed vide order dated 21.02.2017 passed by the learned IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad. Aggrieved by the same, respondent Nos.1 and 2 herein have preferred CrI.A.(SR).No.8396 of 2017 before the learned Metropolitan Sessions Judge, Hyderabad, along with an application in CrI.MP.No.1884 of 2017 seeking to condone the delay of 122 days in filing the appeal and the same was allowed vide impugned order dated 17.01.2018. Challenging the said order, the petitioner has filed the present revision.

Heard Sri C. Sharan Reddy, learned counsel for the petitioner. Though, notices are served, none appeared for respondent Nos.1 and 2, and the revision is being disposed of at the admission stage.

Learned counsel for the petitioner submits that the Medical Certificate issued by Dr. P. Ananthaiah is a fabricated document as the said Certificate was issued on 29.07.2017 stating that respondent No.1 is under his treatment and she must take rest for three months from 22.03.2017 to 28.06.2017, which pertains to the previous period to the date of the said Certificate.

It is pertinent to note that though the very same objection was raised by the petitioner before the trial Court, the same was not considered by it and allowed the petition condoning the delay. The said objection cannot be taken into consideration for the reason that respondent No.1 might have obtained the said Certificate subsequent to the treatment she had undergone under the Doctor, who issued the said Certificate. Therefore, there are no grounds to interfere with the order passed by the trial Court.

Accordingly, this Criminal Revision Case is dismissed. However, the trial Court is directed to dispose of the appeal expeditiously.

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

GUDISEVA SHYAM PRASAD, J

27.11.2018
Msr

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