

SMT JUSTICE T.RAJANI

CRIMINAL APPEAL No.534 OF 2018

JUDGMENT:

This Criminal Appeal is preferred against the docket order, dated 05.12.2017, passed in C.C. No.498 of 2017 by the learned XXIII 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. up to 01:20 P.M. on 05.12.2017.

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, it is not advisable for the complainant to be told off at the threshold itself. Hence, this Court is inclined to grant another opportunity to the complainant, to prosecute his case, on merits.

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 case 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: 19.02.2018.
Dsh

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