

SMT JUSTICE T.RAJANI

CRIMINAL APPEAL No. 577 OF 2018

JUDGMENT:

This appeal is preferred against the docket order dated 09-09-2015 in C.C.No. 32 of 2015 on the file of the Court of Additional Judicial Magistrate of I Class, Kavali (for short, 'the Court below'), by virtue of which the Court below dismissed the complaint on the ground that there was no representation and batta was not paid for the warrant.

2. This Court opines that it would be beneficial for any case to be decided on merits and it would not be just to be told off at the threshold. Hence, in view of the above, this Court opines that another opportunity needs to be given to the appellant-complainant, to get the case prosecuted on merits. The impugned order is set aside. However, the appellant shall abide by the order that would be passed by the Court below, after receiving the case record, failing which the impugned order shall stand vacated. The complaint was dismissed even before appearance of the accused was made. Hence, notice to respondent No. 1 is not required.

3. The criminal appeal is accordingly allowed. Pending miscellaneous petitions if any shall stand closed in consequence.

T.RAJANI, J.

20-02-2018.
JSK