

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3397 of 2018

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C. with an unusual prayer that the appellate court in CrI.A.No.84 of 2017 i.e., Family Court-Additional District Judge, Nalgonda, may be directed to consider the 'Counter' filed by the petitioner and pass an order thereon.

When this matter came up for hearing, learned counsel for petitioner would submit that before the trial court, the petitioner could not submit some points of argument and hence, in the Criminal Appeal, they wanted to submit the same by way of filing the 'Counter' and therefore, the lower appellate court may be directed to receive the 'Counter' and dispose of the Criminal Appeal.

This Court is unable to understand what a 'Counter' has to do in Criminal Appeal, unless one party files an interlocutory petition and court orders other party to file 'Counter'.

In view of the above submission, it can only be understood that the petitioner wanted to file written argument before the lower appellate Court. If that being the case, he can request the lower appellate court to receive written argument and the Court may consider their request and accept written argument.

Without making proper prayer by way of an appropriate application, the petitioner cannot rush to this Court seeking some remedy.

In that view of the matter, this Criminal Petition is dismissed.

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

JUSTICE U.DURGA PRASAD RAO

Dated 20th March, 2018.

Dvs



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