

JUSTICE T. RAJANI

CRIMINAL APPEAL No.515 of 2007

JUDGMENT:

This appeal is preferred by the appellant against the order of the Chief Metropolitan Magistrate, Visakhapatnam in Cc.No.204 of 2005 dated 31.07.2006 whereby the complaint filed by the appellant is dismissed for non-prosecution, as process was not paid by the complainant.

2. The appeal is preferred on the ground that the Court below ought to have observed that non-payment of process would neither be wilful nor wanton. The appellant could not appear on 31.07.2006, as the date of the hearing was noted mistakenly. The Court below ought to have given the appellant another opportunity in order to meet ends of justice.

3. None appears for the appellant. Heard the Public Prosecutor appearing for the second respondent.

4. The Court below dismissed the complaint on the ground that process was not paid for issuance of summons to the accused on the given date of adjournment, against which this appeal is preferred. Even at the stage of the appeal, the appellant exhibited the same conduct, warranting no interference with the order of the Court below.

In the result, the criminal appeal is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

August 23, 2018/DSK