

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.646 OF 2006

ORDER:

Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor for 2nd respondent-State and perused the record.

The order passed by the appellate Court reads as follows:

“Appellant called absent. No representation. Hence, appeal is dismissed for default”.

Aggrieved by the conviction and sentence recorded for the offence punishable under Section 138 of Negotiable Instruments Act, the accused preferred appeal before the Court of Sessions. Presence of the petitioner/appellant was not required to dispose of the appeal. The Court below ought to have disposed of the appeal on merits instead of dismissing it for default. The impugned judgment is bereft of reasons.

Therefore, the judgment passed in Criminal Appeal No.211 of 2004 dated 13.11.2005 is set aside and the same is restored to the file of VII Additional District and Sessions Judge (Fast Tract Court), Krishna at Vijayawada, for disposal in accordance with law.

In the result, the Criminal Revision Case is allowed.

The Miscellaneous Petitions, if any, pending shall stand closed.

03rd April, 2018.
ssp

Dr. SHAMEEM AKTHER, J