

**THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**CRIMINAL REVISION CASE NO.3469 OF 2018**

**ORDER:**

This revision is arising out of docket order, dated 20.02.2018 passed in CrI.M.P.No.596 of 2018 in C.C.No.395 of 2016 by the XXIV Special Magistrate, Hyderabad, in dismissing the complaint filed by the revision petitioner herein.

2. Heard the arguments of the learned counsel for the petitioner. In this revision, no notice is required to the respondent, as the order passed by the trial Court on the petition filed by the petitioner is not in accordance with law.

3. This revision is by the complainant, who filed a petition under Sections 190 and 200 Cr.P.C. for the offence punishable under Section 138 of the Negotiable Instruments Act, for dishonour of the cheque issued by the accused for Rs.10,00,000/-. The petitioner was absent on few occasions before the trial Court and so his complaint was dismissed under Section 256 Cr.P.C. The petitioner has engaged a counsel to represent his case and he has filed a petition in CrI.M.P.No.596 of 2018 to dispense with his presence along with medical certificates. But, the trial Court did not consider the same and dismissed his complaint.

4. In fact, CrI.M.P.No.596 of 2018 was filed on 20.02.2018 for dispensing with the presence of the petitioner on medical grounds. The trial Court dismissed the same on the ground that the petitioner has not complied with the conditional order of payment of costs of Rs.500/- and get ready for the trial. A perusal of the order reveals that it is not based on sound reasoning. The petition for dispensing with his presence due to medical grounds was not properly

considered by the trial Court though he has filed medical certificates to prove his ill-health. The trial Court without considering the same, dismissed the complaint. Hence, the order of the trial Court in CrI.M.P.No.596 of 2018 is set aside and the matter is remitted to the trial Court for fresh disposal according to law by considering the medical certificates filed by the petitioner and pass appropriate orders in CrI.M.P.No.596 of 2018.

5. With the above observation, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this revision shall stand closed.

**GUDISEVA SHYAM PRASAD, J**

**DATED: 20-12-2018**

Hsd

