

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.11232 of 2011

ORDER:

This Criminal Petition under Section 482 of Cr.P.C., is filed seeking to assail the order dated 27.07.2011 passed in CrI.R.P.No.10 of 2011 by the XI Additional District Judge (Fast Track Court), Guntur at Tenali, allowing the revision filed for restoration of the order of dismissal for default dated 27.12.2010 passed in C.C.No.328 of 2009 by the I Additional Judicial First Class Magistrate, Tenali.

2. Heard learned counsel for the petitioner/accused and learned Public Prosecutor for the first respondent-State. None appeared for the second respondent/complainant.

3. The only ground raised in this petition is that in stead of filing an appeal against the order of dismissal for default, the second respondent preferred revision. A perusal of the order impugned would show that the said plea was not taken before the revisional Court. However, merely because the nomenclature of the petition is erroneous, the order cannot be set aside when the order does not suffer from any infirmity. The revisional Court, by considering the plea of the petitioner therein that he was regularly attending the Court, except on the date on which the petition was dismissed, allowed the revision on payment of costs of Rs.1,000/- by the petitioner to MLSC. This Court opines that it is better for any matter to be decided on merits.

4. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

T. RAJANI, J

15th November, 2018

sj

