

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL APPEAL No.427 OF 2007

JUDGMENT:

This Criminal Appeal is filed by the appellant/complainant aggrieved by the dismissal of C.C.No.979 of 2006 by the learned IX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur. The said criminal case was filed by the complainant under Section 138 of the Negotiable Instruments Act against the respondent/accused. On 21.02.2007, when the matter came up for hearing, the trial Court having found that the complainant was absent and there was no representation on his behalf, whereas the accused was present, dismissed the complaint under Section 256 of the Code of Criminal Procedure. Hence, the instant appeal.

Having regard to the fact that the valuable rights of the parties are at stake in the criminal case, and the matter was dismissed for the absence of the complainant and as it was not the decision on merits, in the interest of justice, this Court allows the Criminal Appeal.

The Criminal Appeal is accordingly allowed and the impugned Judgment, dated 21.02.2007 is set aside and C.C.No.979 of 2006 is restored to file. The complainant shall attend the trial Court on 11.07.2018 and the trial Court shall issue notice to the accused and after securing his presence, conduct the trial and dispose of the criminal case expeditiously, but not later than six months from the date of receipt of copy of this order. The complainant is directed to assist the trial Court for expeditious completion of the trial.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No costs.

U.DURGA PRASAD RAO, J

21.06.2018
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