

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.1094 OF 2012

ORDER:

This Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C. by the petitioner-complainant challenging the docket order dated 30.09.2011 passed by the learned Judicial First Class Magistrate, Special Mobile Court at Sangareddy dismissing the complaint for the reason that the process is not deposited and the complainant was absent.

2. Though notice was served on respondent No.1, there is no representation for him.

3. This Criminal Revision Case is filed on the ground that the respondent-accused was represented by counsel and during the stage of trial the respondent-accused was absent and N.B.W. was issued and dismissal of the complaint for default due to non-payment of process in the facts and circumstances was wholly unwarranted and the trial Court ought to have afforded one more opportunity to the petitioner to pay the process fee to meet the ends of justice.

4. Having found the reasonability in the submission of the revision petitioner, the impugned docket order dated 30.09.2011 passed by the learned Judicial First Class Magistrate, Special Mobile Court at Sangareddy is set aside and C.C.No.393 of 2009 is restored to file and the trial Court is directed to take up C.C.No.393 of 2009 and proceed with the matter as per law. The complainant shall appear before the trial Court on 12.11.2018 for participate in further proceedings.

Accordingly, this Criminal Revision Case is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

U.DURGA PRASAD RAO, J

24.10.2018
MVA

