

SMT JUSTICE T. RAJANI

IA.No.1 of 2017
(CRLAMP.No.3133 of 2017)
&

CRIMINAL APPEAL No.1593 of 2017

JUDGMENT:

IA.No.1 of 2017 (CRLAMP.No.3133 of 2017):

Leave granted.

CRLA.No.1593 of 2017:

Notice sent to second respondent returned unclaimed. Hence, it can be treated as deemed service.

2. This appeal is preferred against the order dated 31.10.2017 in CC.No.255 of 2017 (Old CC.No.3107 of 2016) on the file of the XXII Special Magistrate, Hyderabad, by virtue of which the Court below dismissed the complaint on the ground that the complainant was not present when the case was taken up for further marking of documents.

3. This Court opines that the dismissal of the case at the threshold, without having full trial, would not meet the ends of justice. Hence, this Court feels that an opportunity can be given to the defacto complainant/appellant to get the case prosecuted on merits. Hence, the impugned order is set aside. However, the appellant/complainant shall comply with the order that would be passed by the Court below immediately after receiving the case papers, failing which the impugned order shall stand confirmed.

The criminal appeal is allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

March 15, 2018
DSK

T. RAJANI, J