

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.35 of 2018

ORDER :

Heard both sides.

2. In the revision the revision petitioner is the complainant and respondent Nos.1 and 2 are the accused in C.C.No.719 of 2017 (re-numbered as C.C.No.409 of 2017), during pendency on the file of the XV Special Magistrate, Hyderabad, for the offence under Section 138 of the Negotiable Instruments Act, taken cognizance and on 18.12.2017, the learned Magistrate dismissed the complaint having waited till 4.00 p.m. for complainant absent with no representation including from notice intimation about the transfer on 09.11.2017 and for non payment of the process issued summons to the accused.

3. Undisputedly, the case as per the above received and transferred and dismissal was on 18.12.2017 and notice stated sent only to the complainant and counsel on 09.11.2017 intimating the transfer, there is nothing in the order about service or not to say even served failed to attend to take or to resort to dismiss the complaint.

4. It is the submission of the learned counsel for respondent Nos.1 and 2/accused of a direction to be given to the trial Court to try this case and two more cases by clubbing together, cannot be given, but for if at all to ask for simultaneous trial by filing application before the trial Court to permit.

5. Having regard to the above, to sub serve the ends of the justice, the revision is allowed restoring the complaint to the file of the

learned Special Magistrate subject to costs of Rs.5,000/- (Rupees five thousand only) to Army Welfare Fund and filing of proof within one week from the date of receipt of a copy of the order before the learned Magistrate and both parties are directed to appear before the learned Magistrate without any reference to further summons by virtue of this order on 29.04.2019.

Miscellaneous petitions pending, if any, shall stand closed.

8th April 2019

mar

Dr. B. SIVA SANKARA RAO, J

