

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

Cr1.R.C.No.3039 OF 2015

ORDER :

Heard learned counsel for the petitioner/accused – Dr G.Sudha and learned Public Prosecutor representing the 1st respondent-State and perused the material available on record.

G.Prakash Reddy, 2nd respondent/ complainant, who is no other than the petitioner's father's brother did not appear so far even notice ordered on 09.12.2015 including the personal service and served duly acknowledged, thereby sufficient service.

Perused the impugned order dated 15.10.2015 of the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad in Cr1.M.P.No.97 of 2014 in pending C.C.No739 of 2012, dismissing the application to discharge the accused invoking Section 330(3) proviso (a) Cr.P.C., for no grounds.

A perusal of the impugned order clearly indicates that there is a procedure contemplated to be followed once the petitioner appeared before the Court, under Sections 328 and 329 Cr.P.C. before invoking said provision, for which the relief sought and it is also observed in the impugned order that the petitioner/accused did not even chose to appear before the Court.

Having regard to the above, there is nothing to interfere with the impugned order of the Court below sitting in revision for any illegality or impropriety. Hence, the revision case is liable to be dismissed.

Accordingly, the criminal revision case is dismissed for the Court below to proceed in accordance with law.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

23.01.2019
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