

THE HON' BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.762 of 2019

JUDGMENT:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/ appellant/ A.1, aggrieved by the docket order, dated 23.04.2019, passed in CrI.A.No.587 of 2017 by the V Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, wherein the learned Judge dismissed the appeal for default confirming the judgment passed in C.C.No.565 of 2013 by the XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District, whereby the petitioner/ A.1 was convicted for the offences punishable under Sections 420, 468 and 471 of IPC and sentenced to undergo rigorous imprisonment for a period of two years under each count and also to pay a fine of Rs.5,000/- under each count and in default to suffer simple imprisonment for a period of two months under each count. All the sentences were ordered to run concurrently.

2. Heard the learned counsel appearing for the revision petitioner/ appellant, the learned Additional Public Prosecutor appearing for the respondent/ State and perused the record.

3. Learned counsel for the revision petitioner/ appellant would contend that the lower appellate Court erred in dismissing the appeal of the petitioner for default and it is contrary to law.

4. Learned Additional Public Prosecutor representing the respondent/ State would contend that the lower appellate Court has rightly dismissed the appeal for the absence of the petitioner.

5. A perusal of the impugned order shows that on the date of final hearing, the petitioner/ appellant remained absent and there is no representation on his behalf though the appeal was posted for final hearing as

a last chance. Hence, the learned V Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, dismissed the appeal for default instead of disposing of the same on merits.

6. In view of the facts and circumstances of the case, this Court feels it appropriate to afford one more opportunity to the petitioner to defend his case. Therefore, on this short ground, the impugned order is liable to be set aside.

7. In the result, the Criminal Revision Case is allowed setting aside the docket order dated 23.04.2019, passed in CrI.A.No.587 of 2017 by the V Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar. However, if the revision petitioner appears before the lower Appellate Court along with his counsel and make an application, the lower Appellate Court shall fix a date for final hearing and dispose of the appeal on merits.

Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 16.07.2019
ssp

JUSTICE G. SRI DEVI