

High Court for the State of Telangana

The Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 26549 of 2018

Date: 12-12-2019

Between:

Mrs. Eunice Lalnunmawli Chawngthu

...Petitioner

And

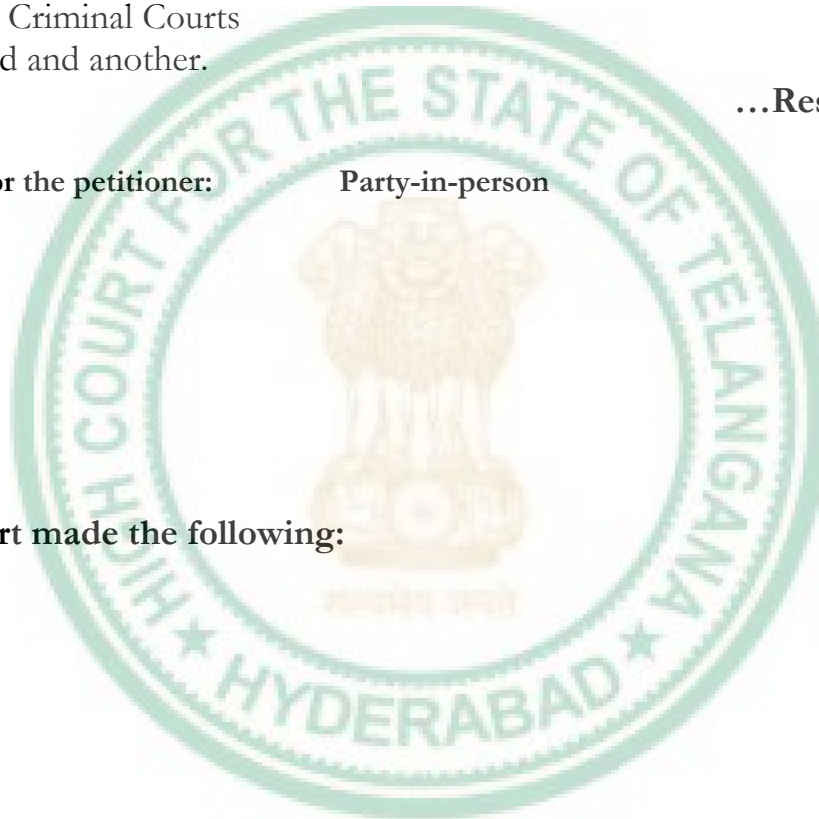
The X Additional Metropolitan Magistrate
Nampally Criminal Courts
Hyderabad and another.

...Respondents

Counsel for the petitioner:

Party-in-person

The Court made the following:



Order: (per Hon'ble Sri Justice A. Abhishek Reddy)

This writ petition is filed seeking the following relief:

“to issue an appropriate writ, order or direction, more specifically one in the nature of a writ of mandamus directing the 1st respondent to dispose the Crl.Appl.No. 91/2018 on merits within 30 days of the pronouncement of its orders and to explain the validity of the Crl.Appl. No. 223/2018 within 5 days, seek an explanation from the 2nd respondent as to how the prayer in Crl.Appl. No. 91/2018 was changed, award costs.”

It is the case of the petitioner that she filed Criminal Appeal against order dated 27-12-2017, passed by the III Metropolitan Magistrate, Hyderabad, in DVC. No. 35 of 2017. But the Appeal was numbered by the Court of the X Metropolitan Sessions Judge, Hyderabad (for short ‘the lower appellate Court’), as one preferred against the order dated 18-08-2017, passed by the III Metropolitan Magistrate, Hyderabad, granting interim maintenance in a Miscellaneous Petition, *namely* Crl.M.P. No. 562 of 2017, filed in DVC. No. 35 of 2017 on the basis of the note prepared by the Superintendent on the file. Hence, she filed the present Writ Petition.

We have called for the original record from the lower appellate Court and perused the same, it is evident therefrom that, while putting up the note, the Superintendent concerned has wrongly mentioned that the appeal was filed against order dated 18-08-2017,

passed in Crl.M.P. No. 562 of 2017. However, after the appeal was numbered, the lower appellate Court has called for the original record of the order dated 27-12-2017, in DVC. No. 35 of 2017.

Obviously, the note put up by the Superintendent, while numbering the appeal, was an intermittent one. Therefore, the Presiding Officer of the lower appellate Court shall call for an explanation from the Superintendent concerned for putting up a wrong note while numbering the appeal.

In view of the same, the appeal, which is numbered as Crl.A. No. 91 of 2018 on the file of the lower appellate Court, shall be taken as having been filed against order dated 27-12-2017, passed by the III Metropolitan Magistrate in DVC. No. 35 of 2017. As the appeal is of the year 2018, ends of justice would be met if the same is directed to be disposed of by the lower appellate Court within a period of one month from the date of receipt of a copy of this order.

The Writ Petition is, thus, disposed of in the above terms.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 12th December, 2019
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