

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12426 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/revision petitioner seeking to quash the order, dated 05.01.2018, in Criminal Revision Petition No.62 of 2017 passed by the III Additional District and Sessions Judge, Gadwal.

2. Heard the learned counsel for the petitioner/revision petitioner, learned counsel for the 2nd respondent and perused the record.

3. In the course of submissions, it is brought to the notice of this Court that since the petitioner/revision petitioner was called absent and there is no representation on her behalf, the Court below dismissed the petition filed under Section 399 Cr.P.C., by the aforesaid order.

4. It is pertinent to state that the impugned order was not passed on merits. The *lis* is required to be determined on merits.

5. Under these circumstances, the impugned order, dated 05.01.2018, in Criminal Revision Petition No.62 of 2017 passed by the III Additional District and Sessions Judge, Gadwal, is liable to be set aside.

6. Accordingly, the Criminal Petition is allowed setting aside the order, dated 05.01.2018, and the Criminal Revision Petition

is restored to its file for disposal in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

Dr. SHAMEEM AKTHER, J

APRIL 04, 2019
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Date:04.04.2019

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