

THE HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.153 of 2020

ORDER:

This revision is filed under Sections 397 and 401 of Cr.P.C., against the order of dismissal dated 05.11.2019 passed in Crl.A.No.26 of 2019 by the learned XV Additional District and Sessions Judge, Kukatpally, Ranga Reddy District.

2. After due trial, the 2nd respondent/accused was found not guilty of the offences under Sections 420 and 406 IPC and he was acquitted for the said offences. Aggrieved by the same, the petitioner-de-facto complainant filed Crl.A.No.26 of 2019 on the file of XV Additional District and Sessions Judge, Kukatpally, Ranga Reddy District. The appellate Court dismissed the appeal vide order dated 05.11.2019, which reads as under:

“Appellant absent. Process not deposited, directions not complied.

Hence, appeal dismissed”.

Challenging the aforesaid order, the present revision is filed.

3. Heard learned counsel for the petitioner and perused the order impugned.

4. Learned counsel for the petitioner submits that the order of dismissal passed by the Court below is illegal, arbitrary and unsustainable. He further submits that as the appeal is filed against the judgment of acquittal, the appellate Court, without deciding the matter on merits, dismissed the appeal and therefore, the said order is liable to be set aside.

5. A perusal of the impugned order, it is apparent that the appeal was not disposed of on merits, but it was dismissed for non-compliance of the directions and for the absence of the appellant, which is not permissible under law. However, an opportunity should be given to the petitioner to contest the matter. Therefore, the order passed by the learned Sessions Judge is liable to be set aside on this score only and accordingly, the same is set aside.

6. The revision petitioner is directed to appear before the appellate Court on 25.02.2020 positively, and he shall comply with the directions on the same day. Thereafter, the learned Sessions Judge shall proceed with the appeal in accordance with law.

7. With the aforesaid directions, the Criminal Revision Case is disposed of.

8. Miscellaneous applications, if any pending in this revision, shall stand closed.

5th February, 2020

G. SRI DEVI, J

sj