

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8406 of 2019

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., against the order dated 22.11.2019 passed in CrI.R.P.No.2 of 2014 in CrI.M.P.No.990 of 2011 in Cr.No.285 of 2009 by the learned V-Additional District and Sessions Judge, Bhongir.

2. The brief facts of the case are that the petitioner filed a private complaint before the Judicial Magistrate of First Class, Ramannapet, Nalgonda District against the respondents/accused for the offences punishable under Section 420, 464, 466, 468 and 474 I.P.C., which was referred to the police, Choutuppal Police Station, Nalgonda District, for investigation and report. Basing on the said reference, the police, Choutuppal Police Station, registered a case in Cr.No.285 of 2009 for the aforesaid offences. Eventually, the police, after investigating into the matter, filed a final report referring the case as 'Civil in Nature' and requested the Court to close the case. Challenging the same, the petitioner filed a protest petition in CrI.M.P.No.990 of 2011 before the trial Court and the same was dismissed on 13.08.2012. Aggrieved by the same, the petitioner filed CrI.R.P.No.2 of 2014 before the V-Additional District and Sessions Judge, Bhongir. The petitioner states that since the original record was found missing, the revision was adjourned from time to time and finally, it was dismissed for default by the V-Additional District and

Session Judge, Bhongir, by order dated 22.11.2019, which reads as under:

“Revision petitioner continuously absent. No representation. Criminal Revision Petition is dismissed for default”.

Challenging the aforesaid order, the present Criminal Petition is filed.

3. Learned Counsel for the petitioner submits that the appellate Court erred in dismissing the revision petition for default without deciding the matter on merits. Thus, he prays to set aside the said order.

4. It is settled law that the criminal revision petition cannot be dismissed for default or for non-prosecution and it has to be decided on merits, even if the petitioner or his counsel is not present to make his submissions. Hence, the impugned order is liable to be set aside and the same is accordingly set aside.

5. The Criminal Petition is allowed, setting aside the order dated 22.11.2019 in Crl.R.P.No.2 of 2014 in Crl.M.P.No.990 of 2011 and the matter is remitted to the Court of V-Additional District and Sessions Judge, Bhongir, with a direction to decide the revision afresh after hearing the petitioner, in accordance with law, as expeditiously as possible since the crime is of the year 2009.

6. As a sequel, miscellaneous petitions if any pending in the criminal petition, shall stand closed.

JUSTICE G. SRI DEVI

21.01.2020.

Sj/Gsn.