

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

Criminal Appeal No. 1580 OF 2009

Appeal under Section 374(2) of Cr.P.C to set aside the order dated 20.06.2008 in C.C.No.994 of 2004 on the file of the VI Additional Chief Metropolitan Magistrate, Criminal Courts, Nampally, Hyderabad.

Between:

Smt.M.Tirupathamma, W/o. Narayana Reddy, aged about 50 Years,
R/o. 13-6-435/102, Langar house, Hyderabad.

...Appellant/Complainant.

AND

1. B. Srinivas, S/o. Yadagiri, R/o. 1-4-27-71/199, Padmashali Colony, Hyderabad.
2. The State of A.P., Rep. by the Public Prosecutor High Court of A.P., Hyderabad.

...Respondents/ Accused.

Counsel for the Appellant: Sri Y.V.S.S.Siva Sarma.

Counsel for Respondent No.1: None appeared.

Counsel for Respondent No.2: The Public Prosecutor.

The Court made the following: JUDGMENT

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.1580 OF 2009****JUDGMENT:**

The present Criminal Appeal is filed under Section 374 (2) of Code of Criminal Procedure, 1973 (for short "Cr.P.C") by the appellant/complainant seeking to set aside the order passed in C.C.No.994 of 2004 on 20.06.2008 by the learned VI Additional Chief Metropolitan Magistrate, Hyderabad.

2. Perused the record.
3. The appellant/complainant is aggrieved by the order passed by the learned VI Additional Chief Metropolitan Magistrate, Hyderabad which reads as follows:

"Complainant absent. Accused absent. No representation. Complainant continuously absent from 21.09.2007. He has not shown any interest to proceed with the case inspite of giving reasonable opportunities, it is a old matter 2004. Accused also absent. No representation. Hence proceed with the further steps. Complainant called absent. Complaint is dismissed for default".

4. As seen from the order, the complainant was continuously absent from 21.09.2007 and there was no representation from the complainant side. Though reasonable opportunities were granted the

complainant failed to prosecute his case. The proceedings under Section 138 of NI Act should be prosecuted diligently by the complainant after filing the complaint. If the complainant is absent continuously and fails to prosecute the case, the Court has ample power to dismiss the complaint under Section 256 of Cr.P.C. As seen from the order dated 20.06.2008, there is no irregularity that was committed by the learned Magistrate in dismissing the complaint for default.

5. Accordingly, the Criminal Appeal is dismissed.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

//TRUE COPY//

Sd/-B.S.CHIRANJEEVI
JOINT REGISTRAR

GP

SECTION OFFICER

To,

1. The VI Additional Chief Metropolitan Magistrate, Criminal Courts, Nampally, Hyderabad. (with record)
2. The Station House Officer, Langar House Police Station, Hyderabad.
3. One CC to Sri Y.V.S.S.Siva Sarma, Advocate [OPUC]
4. Two CCs. The Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. Two CD Copies

JCK

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HIGH COURT

DATED:20/09/2022

ORDER

CRLA.No.1580 of 2009



Dismissing the Criminal Appeal.

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PM
19/12