

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 497 OF 2010

Criminal Appeal Under Section 378 (4) of Cr.P.C against the Judgement dated 05.11.09 in C.C.No.2161 of 2009 On the file of the Court of the XIII Metropolitan Magistrate, Cyberabad at L.B.Nagar, Ranga Reddy.

Between:

M. Hanuman Das S/o Badraiah, aged about 33 years, Occ: Business, R/o 10-23, Ghatkesar Village & Mandal, Ranga Reddy District.

...APPELLANT

AND

1. The State of Andhra Pradesh through Public Prosecutor, High Court of Andhra Pradesh, Hyderabad.
2. B.Yellaiah Goud S/o B. Anjaiah Goud, Aged about 39 years, Occ: Business R/o H.No.11-3-267/71, Madhuranagar, Parsigutta, Secunderabad - 500 061.

...RESPONDENTS

Counsel for the Appellant: SMT. MOGILI ANAVENI,

(None Appeared)

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.497 OF 2010****J U D G M E N T:**

This Criminal Appeal is filed under Section 378(4)(b) of Code of Criminal Procedure (for short "Cr.P.C.") by the appellant-complainant aggrieved by the acquittal recorded by XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District in C.C.No.2161 of 2009 dated 05.11.2009 for the offence under Section 138 of Negotiable Instruments Act.

2. None appears on behalf of the appellant-complainant. Perused the record.

3. This appeal is filed by the appellant-complainant questioning the acquittal of Accused for the offence under Section 138 of NI Act. Though the appeal was listed earlier, there is no representation. When the matter was listed on 11.11.2022, there is no appearance for the appellant, as such, this Court directed to post the matter to 15.11.2022 under the caption 'for dismissal'. But, on 15.11.2022 also, there is no appearance for the appellant.

4. Even when the matter is listed under the caption 'for dismissal' today, there is no appearance on behalf of the appellant-complainant. The case is quasi-criminal in nature and unless the appellant prosecutes his case diligently, the cases cannot be kept pending, for the said reason the criminal appeal is liable to be dismissed for non prosecution.

5. Accordingly, the Criminal Appeal is dismissed for non-prosecution.

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

Sd/- K. SRINIVASA RAO

JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Metropolitan Magistrate Cyberabad at L.B. Nagar, Ranga Reddy District. (With Records)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CD Copies
4. One CC to Smt. Mogili Anaveni, Advocate [OPUC]

VH

HIGH COURT

DATED: 16/11/2022

ORDER

CRL.A.No.497 of 2010



Dismissing the Criminal Appeal
for Non-Prosecution

7 Copies
[Signature]
10/01/2023