

(1975) 06 AP CK 0005
In the Andhra Pradesh High Court

S.A. Venkatesu and Others	Vs	APPELLANT
Venkatamma and Another		RESPONDENT

Date of Decision : 13-06-1975

Acts Referred:

Citation : (1976) CriLJ 220

Hon'ble Judges : Gangadhara Rao, J

Bench : Single Bench

Judgement

Gangadhara Rao, J.—This Revision is filed against the order of the Additional Sessions Judge, Chittoor in Cri. M. P. No. 262 of 1974 in Cri. R. P. No. 10/73.

2. The Criminal Revision Petition 10 of 1973 was posted for hearing on 27-11-1974. On that date the advocate for the petitioner was not present. No representation was also made. So the revision petition was dismissed for default. Thereafter the Criminal Miscellaneous Petition was filed to set aside the dismissal order and it was set aside by the learned Judge and he disposed of the matter on merits.

3. Sri Padmanabha Reddy the learned Counsel for the petitioners contends that the Criminal Court has no power to dismiss a revision for default of appearance of the petitioner or his advocate or to set aside that order. I agree with him. There is no provision to that effect in the Criminal Procedure Code. The learned Judge has relied upon the two decisions reported in Subhlal Gope and Another Vs. State of Bihar, and Public Prosecutor of A. P. v. K. Prakasa Reddy 1973 M LJ (Cri) 245. But they do not deal with a case where a revision was dismissed for default of appearance of the petitioner, in these circumstances I have no option but to set aside the order of the learned Additional Sessions Judge, Chittoor and direct him to dispose of the Revision i. e., Cri. R. P. No. 10 of 1973 on merits. This Revision is allowed.

CRL. R. C. No. 831 of 1974

4. In view of the order passed by me in Cri. R. C. No. 832 of 1974. I set aside

the order of the Additional Sessions Judge, Chittoor in CrI. R.P. No. 10 of 1973 and direct him to re-hear that revision petition. Hence this revision case is allowed.