

IN HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 500 OF 2023

Criminal Appeal Under Section 378(4) of C.P.C against the Judgment Dated 16.7.2010 in C.C. No 1067/2009 on the file of the Court of the XI Addl. Chief Metropolitan Magistrate at Secunderabad.

Between:

Tadem Krishna, S/o Mallaiah, Aged about 30 years, Occ. Business, R/o H.No. 13-1-3/3/6/A/1, Avanthi Nagar, Motinagar, Erragadda, Hyderabad.

...APPELLANT/COMPLAINANT

AND

1. The State of A.P., rep. by Public Prosecutor, High Court of A.P. Hyderabad.
2. Y.Gnaneshwar, S/o Y.Narsimulu, Aged about 33 years, Occ. Business, R/o H.No.8-4-369/372, Banjar Nagar, Borabanda, Hyderabad.

...RESPONENT/ACCUSED

Counsel for the Appellant :SRI. KOPPULA GOPAL

Counsel for the Respondent No. 1: PUBLIC PROSECUTOR

Counsel for the Respondent No. 2: NONE APPEARED

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.500 OF 2023

JUDGMENT:

This Criminal Appeal is filed under Section 378(4) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') against the order dated 16.07.2010 passed in C.C.No.1067 of 2009 passed by the learned XI Additional Chief Metropolitan Magistrate, Secunderabad.

2. Heard. Perused the record.

3. The order dated 16.07.2010 passed by the learned Magistrate in C.C.No.1067 of 2009 reads as follows:

" Complainant absent continuously. No representation. Process not paid for execution of NBW. Hence Complaint is dismissed U/Se.204(4) Cr.P.C."

4. It is for the complainant to prosecute his cases diligently by appearing before the Court. The Magistrate will not have any other option except to dismiss the complaint, if the complainant fails to prosecute his case. In the present case, case was coming up for paying the process. However, the appellant – complainant neither appeared before the Court nor paid the process, for which reason, the learned Magistrate has dismissed the case.

5. In view of the aforesaid circumstances, I find no infirmity with the order dated 16.07.2010 passed by the learned Magistrate and the present appeal is liable to be dismissed.

6. Accordingly, the Criminal Appeal is dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XI Addl. Chief Metropolitan Magistrate at Secunderabad
2. One CC to SRI. KOPPULA GOPAL, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad(OUT).
4. Two CD Copies

DL

CHR

HIGH COURT

DATED: 26/06/2023

JUDGMENT

CRLA.No.500 of 2023



DISMISSING THE CRIMINAL APPEAL

⑦ CHR
03/08/23