

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

MONDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.2231 of 2013

Between:

A.K.Azam

..... PETITIONER

AND

State of Andhra Pradesh, rep.by its
Public Prosecutor, High Court,
Hyderabad and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.2231 of 2013

ORDER:

This Criminal Revision Case is filed against the order dated 14.08.2013 in CrI.MP.No.696 of 2013 in C.C.No.3 of 2009 on the file of the Judicial Magistrate of First Class, Wanaparthi.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the State.

The facts in brief are that the petitioner is the accused. On 02.08.2013 when the matter was posted, the petitioner/accused was

absent and hence non-bailable warrant was issued. The petitioner/accused filed a petition seeking to recall the warrant, but the learned Magistrate dismissed the said petition, holding that the petitioner/accused in the past also number of times failed to appear before the Court.

The learned counsel appearing for the petitioner/accused submits that as per the docket proceedings sheet which he has filed shows that almost for every date of hearing, the petitioner/accused has been attending the Court and hence the learned Magistrate has erred in dismissing the petition holding that the petitioner/accused is abstaining more frequently.

The docket proceedings sheet in the calendar case is produced. The trial in the said case was commenced on 29.11.2012. From that day onwards till 08.07.2013 both the complainant and the petitioner/accused were attending the Court regularly. However, the docket order dated 02.08.2013 reads as under:

“Complainant/PW 1 and accused present, accused absent, call at 3.30 p.m, no representation, issue NBW on payment of process fee, hence posted to 30.9.2013.”

A reading of the above docket order do not convey any meaning as to whether the petitioner/accused was present or absent, as it discloses that the accused present as well as absent.

The petitioner/accused filed petition seeking to recall the non-bailable warrant which has been dismissed by the learned Magistrate without proper and valid reasons.

Considering the facts and circumstances of the case, the Criminal Revision Case is allowed. The petitioner/accused is directed to appear before the trial Court within a period of one month from today and file a petition to recall the non-bailable warrant and on filing such application, the trial Court shall consider and dispose of the same on the same day, in accordance with law.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 24.08.2015
Dsr