

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2337 OF 2015

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ORDER:

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This Criminal Revision Case is filed by A.11 challenging the order of the Principal Special Judge for CBI Cases, Hyderabad dated 27.08.2015 whereby the learned Judge dismissed CrI.M.P.No.973 of 2015 in C.C.No.26 of 2014 filed by the petitioner herein invoking the provision under Section 205 Cr.P.C. to dispense his presence before the trial Court.

The main grievance of the petitioner-A.11 is that he being a businessman and involved in sports activity, it is highly inconvenience and impossible for him to attend on every hearing date. It is also his grievance that if he is directed to appear before the trial Court on all hearing days, it will cause prejudice to his other works.

The Court below after hearing the parties observed as follows:

“As seen from the grounds or reasons set out in this petition, no special circumstance of exceptional nature is brought out or made out by the petitioner to grant relief in his favour. It is fundamental that criminal trial shall take place in the presence of the accused and it is in his own interest that he took part in such proceedings. The reasons assigned by him in this petition are relating to his alleged business activities. It cannot be said that such a reason is special and exceptional only for this petitioner, more so, when other accused in this case are also equally and gainfully employed as per allegations of the prosecution. The reasons assigned by the petitioner cannot be treated sufficient to dispense with his attendance in the course of trial proceedings.”

This Court heard the arguments and perused the record.

Taking into consideration the facts and circumstances of the case and since the question of identity of the petitioner dose not arise before the trial Court, he is permitted to be represented through his counsel and the said counsel is also directed to be present before the trial Court on all hearing dates and duly represent

the petitioner herein. If there is any failure on the part of the said person concerned, the trial Court is at liberty to take appropriate steps. The petitioner is also directed to appear before the trial Court for the purpose of framing of charges and also on other hearing dates whenever the trial Court insists for his appearance.

The Criminal Revision Case is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

13.10.2015

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