

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE Nos.2738 & 2741 OF 2015

COMMON ORDER:

1. Since the issues involved in both the revision cases arise out of one crime and the parties are common, these revisions are heard together and being disposed of by this common order.
2. Both the revisions are filed by the petitioner-A1 against the orders dated 26.10.2015 passed in CrI.M.P.No.258 and 259 of 2015 respectively in P.C.No.14 of 2014 by the Judicial Magistrate of First Class to try the Offences under the ESI Act and Chairman, Industrial Tribunal-I, Hyderabad.
3. The above P.C. is pending against the petitioner-A1 for the offence under Section 85(a) punishable under Section 85(i)(a) of the ESI Act. The above CrI.M.P. No.258 of 2015 is filed under Section 205 Cr.P.C. to dispense with the presence of the petitioner-A1 before the trial Court. The trial Court dismissed the said application. Against the same, the above CrI.R.C.No.2738 of 2015 is filed.
4. As the petitioner-A1 did not appear before the trial Court on 14.7.2015 NBWs were issued against the petitioner-A1. Then, the petitioner filed CrI.M.P.No.259 of 2015 seeking to recall NBWs. The said application was dismissed. Aggrieved by the same, the petitioner-A1 filed the above CrI.R.C.No.2741 of 2015.
5. Heard and perused the material available on record.
6. It is stated that the petitioner-A1-A. Krishna Rao, who is the partner of M/s. Anand Wood Crafts Narapali village, Ghatakesar, and who is facing trial in the above P.C., is staying in USA, and A2, who is the brother of the said Krishna Rao is also facing trial for the same

offence in the above P.C. and A2 will represent case against the petitioner-A1 also and therefore, the presence of the petitioner-A1 may be dispensed with.

7. The above offence has arisen out of the ESI Act and it is a technical offence. Therefore, this Court is of the view that the trial in the above P.C. can be conducted in the absence of the petitioner-A1.

8. Considering the facts and circumstances of the case and the nature of the offence, this Court is inclined to dispose of both the revisions with the following direction:

“The petitioner-A1 is directed to file applications to recall NBWs and to dispense with his presence under Section 205 Cr.P.C. and to permit A2 to represent the case on his behalf, afresh. On such applications being filed, the trial Court is directed to recall NBWs issued against the petitioner-A1 and also permit A2 to represent the case on behalf of A1 also. Further, A1 is also to be represented through advocate before the trial Court on all hearing dates. The trial Court is also directed to dispose of the above P.C. as expeditiously as possible.”

9. With the above directions, the Criminal Revision Cases are disposed of. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 18.11.2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 18th November, 2015.

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