

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2626 of 2015

ORDER :

The petitioners, who are accused Nos. 1 to 3 in P.R.C.No.24 of 2014 on the file of Additional Judicial Magistrate of First Class at Kadiri, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above P.R.C.

Heard learned counsel for the petitioners/accused and learned Additional Public Prosecutor for the respondent-State.

A private complaint came to be filed against the petitioners which was taken on file as P.R.C.No.24 of 2014 on the file of Additional Judicial Magistrate of First Class at Kadiri for the offences punishable under Sections 447, 323, 354, 506 r/w Section 34 IPC and Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. On receipt of summons, the petitioners appeared before the Court. It is the apprehension of the petitioners that at the time of committal of the case to the Court of Session, they may be remanded to judicial custody. The issue as to whether the accused can be remanded to judicial custody in a case arising out of a private complaint filed for the offences triable by Court of Sessions came up for consideration before this Court in ***Guddanti Narasimha Rao Vs. State of Andhra Pradesh and another***. While dealing with the said aspect, this Court held as under:

“There is no requirement in law that in each and every case triable by the Court of Session the accused shall be arrested and released on bail. When only summons were issued to the accused to secure his attendance after the charge sheet is filed in a case triable by Court of Session the accused shall not be compelled to approach the Sessions Court/Special Court and to obtain bail. In every case triable by Court of Session unless the accused is arrested and is in judicial custody, the question of his obtaining bail from the Sessions Court does not arise while committing the case it is enough on the part of the committing Magistrate to bind over the accused with or without sureties undertaking to appear before the Sessions Court till the conclusion of the trial.”

In view of the judgment referred to above, the learned Additional Judicial Magistrate of First Class at Kadiri is hereby directed not to insist the petitioners to obtain bail from the Court concerned for the purpose of commitment of P.R.C. to the Court of Session and the learned Magistrate can commit the case by binding them over to appear before the Court of Session ensuring their attendance before the said Court till the conclusion of the trial.

The Criminal Petition is accordingly disposed of.

JUSTICE C. PRAVEEN KUMAR

7th April, 2015

cbs

THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2626 of 2015

7th April, 2015

cbs