

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE NO.396 of 2015

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ORDER :

This Criminal Revision Case is preferred by the petitioner/A2, challenging the order dated 09.02.2015 passed in C.C.(S.R.) No.132(A)/2014 on the file of Judicial Magistrate of First Class, Bhimadole, West Godavari District, wherein and whereunder the Court below took cognizance of the case against the petitioner.

The respondent herein filed a private complaint against the petitioner for an offence punishable under Section 420 I.P.C. After recording the sworn statements of two witnesses, the Court below took cognizance of the same against the petitioner herein holding that an offence under Section 420 I.P.C is *prima-facie* made out.

Learned counsel for the petitioner mainly submits that the Court below ought not to have issued non-bailable warrants at the first instance itself.

Taking into consideration the nature of allegations made this Court is of the view that issuance of warrants at the first instance may not be necessary since it is not the case of the prosecution or complainant that the summons issued to the accused on earlier occasion was refused or that he was evading the process of the Court. In view of the judgment of the Apex Court in **Inder Mohan Goswami v. State of Uttaranchal**^[1], the impugned order, to the extent of issuing non-bailable warrants, is set aside and accordingly the petitioner is directed to appear

before the Court below on the next date of adjournment and execute bonds to the satisfaction of the said Court and continue to appear before the Court on all future dates.

With the above direction, Criminal Revision Case is disposed of.

As a sequel, miscellaneous petitions, if any, pending in the revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13.03.2015
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[\[1\]](#) (2007) 12 SCC 1