

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL REVISION CASE No.645 of 2015**

**ORDER:**

Heard learned counsel for the petitioner and learned counsel for the first respondent.

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 28.02.2015 passed in CrI.M.P.No.41 of 2015 in S.C.No.320 of 2014 on the file of the Assistant Sessions Judge, Nandigama, wherein an application filed under Section 70 (2) Cr.P.C. was dismissed.

A perusal of the material on record would disclose that a charge sheet came to be filed against the petitioner and 75 others for the offences punishable under Sections 147, 149, 307, 341, 323, 506, 186, 188 and 224 read with 149 IPC and Section 4 of the Prevention of Damage to Public Property Act, 1984. The said case was committed to the Court of Sessions and the same came to be numbered as S.C.No.320 of 2014.

A reading of the order under challenge would show that the matter is of the year 2006, 13 accused died pending the proceedings, and more than 15 of them have become senior citizens. The material placed before the Court discloses the reason for not appearing before the Court was due to death of grand mother of the petitioner on 18.02.2015. He placed on record the death certificate issued by Gram Panchayat, Makkapeta and also the card which was printed for the obsequies ceremony, which was performed on 02.03.2015. He submits that his absence before the Court on the said date was neither willful nor wanton but

due to the death of his grand mother.

Having regard to the circumstances stated above, the non-bailable warrant issued against the petitioner on 20.02.2015 is stayed for a period of two (02) weeks from today, meanwhile, the petitioner shall appear before the Court concerned and make an application for recall of warrant, in which event the same shall be considered on certain terms and conditions as the said Court deems fit and proper having regard to the age of the petitioner.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stands closed.

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**C.PRAVEEN KUMAR,J**

28.04.2015  
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