

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2319 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-Accused No.2 aggrieved by the order dated 1.10.2015 passed in CrI.M.P.No.1791 of 2015 in C.C.No.591 of 2013 by the I Special Magistrate, Erramanzil, Hyderabad.

2. The petitioner filed the above CrI.M.P. under Section 317 Cr.P.C. seeking to dispense with her personal attendance on 1.10.2015. On the said application, the trial Court passed the following order:

“Since the petitioner-accused has to be present and sign the bond before this Court, the Court cannot extend time or condone the absence. Once the judgment is pronounced this Court becomes functio officio. Hence, petition is dismissed. Issue NBW.”

Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. The petitioner was convicted for the offence under Section 352 r/w 34 IPC for a period of two months. The trial Court suspended the sentence also. Then, the petitioner preferred appeal and the appellate Court also suspended the sentence on the same terms and conditions imposed by the trial Court while suspending the sentence.

5. It is the case of the petitioner that she could not execute the sureties on the date fixed by the trial Court and when she filed a petition to condone her absence, the same was dismissed by the trial Court on the ground that the trial Court has no jurisdiction after delivering the judgment. Aggrieved by the same, the petitioner filed this revision.

6. Considering the facts and circumstances of the case and since the appellate Court has already suspended the sentence imposed against the petitioner-A2, the Criminal Revision Case is disposed of with the following direction:

- i. The petitioner is directed to appear before the trial Court on or before 30th October, 2015 and file an application for acceptance of surety. On such application being filed, the trial Court is directed to proceed in accordance with law. Till then, operation of NBWs issued against the petitioner is suspended. After passing of orders on the application being filed by the petitioner, the petitioner is directed to appear before the appellate Court regularly.

7. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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