

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1080 of 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 11-06-2015 passed in CrI.M.P.No.1858 of 2015 in C.C. No.80 of 2011 by the XIII Additional Chief Metropolitan Magistrate, Hyderabad, wherein and whereby the trial Court refused to extend the time for appearance of the accused before the trial Court.

In previous occasion, the trial Court has granted permission to the petitioner to stay in U.S.A. and the same was extended for various times. When this petition was filed by the petitioner, since the complainant wants to settle the issue, the trial Court directed the petitioner to present on 08-06-2015. The learned trial Judge is of the view if the petitioner is absent before the trial Court, the trial Court could not be able to proceed with the trial and also the intent of the complainant to settle the issue could not be carried out.

The learned counsel for the petitioner submitted that the relatives of the petitioner herein, more particularly father and mother, are ready to represent the case of the

petitioner as a power of attorney holder or as a party to prosecute the matter on behalf of the petitioner herein and further submitted that the petitioner is ready to come and appear before the Court on or after 20-12-2015, since he will be able to avail the leave during that period.

Considering the said facts and circumstances of the case, the time is extended to the petitioner to stay in U.S.A. till 20-12-2015 and the petitioner is directed to appear before the Court in the month of December, 2015 when a date is given by the trial Court after 20-12-2015. It is further clarified that the trial Court can proceed with the trial since the counsel for the petitioner agreed to go on with the trial in the absence of the petitioner. Hence, the trial Court is directed to proceed with the trial if witnesses are present and petitioner is also permitted to represent by his father Shyamsunder.

Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

25th June 2015.

skmr