

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.14838 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the docket proceedings dated 27.08.2016 in Copy Application No.4314 of 2016 in C.C. No.79 of 2014 on the file of Special Magistrate, Cyberabad at Kukatpally Court-1.

This is a peculiar case where the accused was absent on the day when the matter was posted for Judgment in C.C. No.79 of 2014 for the offence punishable under Section 138 of Negotiable Instrument Act, 1881 and the court found him guilty, convicted and sentenced him to undergo imprisonment besides imposing fine. Taking advantage of absence on the day when the Judgment was pronounced, he avoided to appear before the Court at any time, subsequent to it, though NBW was issued and pending. But conveniently filed copy application for issue of certified copy of Judgment, so as to enable him to file appeal, avoiding his arrest by the court concerned in connection with the above CC, which is nothing but circumventing the provisions of criminal procedure code and it is one way of avoiding arrest by the police, even after conviction, successfully, till he gets an order from the appellate court.

The trial court rejected the copy application on the ground that the accused was absent when the case was posted for judgment and it was ended in conviction, and thereupon, NBW was issued against the accused, but he did not appear and

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conveniently avoid his arrest by the concerned police. If such practice is allowed, certainly it would hamper the very object of criminal administration. However, the petitioner is directed to appear before the Special Magistrate, Cyberabad, Kukatpally Court-I on 31.10.2016 and file copy application for certified copy of Judgment. On filing such copy application, the learned Magistrate is directed to issue certified copy as well as free copy of the judgment as per procedure contemplated under Cr.P.C.

With the above direction, the criminal petition is disposed of.

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

M. SATYANARAYANA MURTHY, J

Date: 20.10.2016
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