

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.583 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Public Prosecutor (AP).

The present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 09.12.2015 passed in CrI.M.P.No.2450 of 2015 in C.C.No.192 of 2012 on the file of the Judicial Magistrate of First Class, Palamaner, Chittoor District, wherein an application filed under Section 70 (2) Cr.P.C. was dismissed.

A perusal of the material on record would disclose that subsequent to filing of the charge sheet, the case was taken on file against the petitioner for the offence punishable under Section 420 IPC. The petitioner arrested on 12.04.2012 and subsequently, he was enlarged on bail. Thereafter, summons were issued to the petitioner for his appearance, but the same could not be served since 09.01.2013. To secure the presence of the petitioner before the Court, a letter was addressed to the Sub-Divisional Police Officer, Chittoor on 03.02.2014 and to the Station House Officer, Palamaner Police Station on 16.09.2014. Since the efforts made by the police for securing the presence of the petitioner proved futile, notices were issued to the sureties on 24.02.2015. On 30.03.2015 the police again filed a report stating that the petitioner/accused migrated to Karnataka State and his whereabouts are not known. On 26.05.2015, summons on accused were again returned and the sureties of accused 1 and 2 appeared before the Court and submitted a written requisition

stating they will produce the accused before the Court and sought time. On 30.06.2015, the sureties of the accused appeared before the Court and revealed their inability to produce the accused and thereby, paid surety amount of Rs.10,000/- each accordingly got themselves discharged. Since there was no other go to secure the presence of the accused, the Court issued non bailable warrant. On coming to know about the same, the petitioner/accused filed an application before the trial Court to cancel the non-bailable warrant issued against him, but the same was dismissed by the trial Court. Against which the present criminal revision case is filed.

Learned counsel for the petitioner mainly argued that the absence of the petitioner before the Court is neither willful nor wanton, but due to non service of summons and that the petitioner would abide by any of the conditions imposed by the Court and that he is willing to appear before the Court on every date of hearing.

A reading of the order under challenge would show that the matter is of the year 2013 and it is to be noted that the plea of non service of summons raised by the petitioner/accused before the trial Court was rejected. Even the sureties, to whom notices were issued, would not produce the accused. It appears that the accused has migrated to a neighbouring State.

Having regard to the facts and circumstances of the case and taking into consideration the nature of offence, the non-bailable warrant issued against the petitioner is stayed for a period of two 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 such

terms and conditions as the said Court deems fit and proper in accordance with law. It is made clear that in case the accused fails to appear before the trial Court even on one adjournment, the bail bonds shall stands cancelled.

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

Miscellaneous petitions, if any, pending, shall stands closed.

C.PRAVEEN KUMAR,J

26.02.2016
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HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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DATED: 26.02.2016

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