

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.1076 OF 2015

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the docket order, dated 09-06-2015 in CrI.M.P.No.228 of 2015 in P.R.C.No.85 of 2014 on the file of the Judl. Magistrate of I Class, Penukonda.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner herein is the accused in the above P.R.C. for the offence punishable under Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (PoA), Act, 1989. The trial Court issued N.B.Ws against the petitioner on 29-12-2014 as the police shown him as absconding. The petitioner filed the above CrI.M.P under Section 70 (2) Cr.P.C. to re-call the N.B.Ws issued against him without appearing before the trial Court. The trial Court dismissed the said petition. Hence, this revision.

4. Learned counsel for the petitioner submitted that there is no necessity for the petitioner to obtain bail in Sessions Case. To substantiate the same, he has drawn my attention to the decision reported in **GUDDANTI NARASIMHA RAO V STAATE OF ANDHRA PRADESH AND ANOTHER**¹, wherein it was held thus:

“There is no requirement in law that in each and every case triable by the Court of Sessions, the accused shall be arrested and released on bail. When only summons were issued to the accused to secure his attendance after the charge-sheet is filed in a case triable by Court of Session, the accused shall not be compelled to approach the Sessions Court/Special Court and to obtain bail. In every case triable by Court of Session unless the accused is arrested and is in judicial custody, the question of his obtaining bail from the Sessions Court does not arise while committing the case it is

¹ 2010 (2) ALD (CRL.) 963 (A.P.)

enough o the part of the committing Magistrate to bind over the accused with or without sureties undertaking to appear before the Sessions Court till conclusion of the trial.”

5. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the petitioner is at liberty to file a fresh petition under Section 70 (2) Cr.P.C. to re-call the N.B.Ws issued against him by appearing before the trial Court. If the petitioner files such an application by appearing before the trial Court, the trial Court is directed to dispose of the same on the same day in accordance with law by keeping in mind the principle enunciated in the case cited supra.

6. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending, in this revision shall stand closed.

DATED: 28.11.2016.
Hsd

T.SUNIL CHOWDARY, J

