

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.817 of 2016

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ORDER:
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The petitioner, who is accused No.1 in C.C.No.222 of 1994 on the file of the II Additional Judicial First Class Magistrate, Bapatla, preferred the present Criminal Revision Case under Sections 397 and 401 (a) of Cr.P.C. questioning the order dated 02.02.2016 passed in C.C.No.222 of 1994, wherein and whereunder the learned Magistrate remanded the petitioner directing him to undergo the sentence imposed against him by the Hon'ble High Court in Crl.R.C.No.732 of 2003.

A perusal of the material on record would show that on 08.12.21999 the accused was convicted in C.C.No.222 of 1994 for an offence punishable under Section 498-A IPC. Challenging the same, he preferred Crl.A.No.629 of 1999 before the VI Additional Sessions Judge, Guntur, wherein the learned Sessions Judge set aside the conviction and sentence passed against accused Nos.2 and 4 and confirmed the sentence of imprisonment imposed against the petitioner. Thereafter, the petitioner preferred Crl.R.C.No.732 of 2003 before this Court, which was dismissed confirming the conviction and

sentence. Non-bailable warrants came to be issued by the trial Court on 11.10.2011, which remained un-executed for nearly 4 ½ years. With great difficulty the police executed non-bailable warrant and consequently arrested the petitioner on 01.02.2016. Pursuant to the order passed, the petitioner is now lodged in Sub-Jail, Bapatla. Challenging the same, the present revision is filed.

Learned counsel for the petitioner submits that during the course of enquiry, the petitioner has undergone some sentence and the same may be set off.

Having regard to the facts and circumstances of the case, if the petitioner has undergone any sentence of imprisonment, in the present case during the course of enquiry/investigation or after conviction the same shall be set off in accordance with law.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12.04.2016
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