

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.973 OF 2016

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ORDER:

Heard learned counsel for the petitioners/appellants and learned Public prosecutor.

2. Assailing the order dated 18.03.2016 passed in CrI.A.No.298 of 2015 on the file of II Additional Sessions Judge, Kurnool at Adoni, the present Revision came to be filed by the petitioners, wherein the appellate Court dismissed the appeal on the ground that the appellants did not attend the Court and issued warrants directing them to keep in jail and to suffer the sentence of one year Rigorous imprisonment imposed by the trial Court.

3. The petitioners/appellants herein are the accused and they were tried in C.C.No.190 of 2013 on the file of Judicial First Class Magistrate, Pattikonda, for the offences punishable under Sections 323, 509 and 506 r/w. Section 34 of Indian Penal Code. By its judgment dated 27.11.2015, the trial Court convicted the petitioners for the above mentioned offences and sentenced them to suffer Rigorous Imprisonment for a period of one year each. Aggrieved by the said judgment, the petitioners preferred CrI.A.No.298 of 2015 before the II Additional Sessions Judge, Kurnool at Adoni and obtained bail. Thereafter the accused failed to attend before the appellate Court.

4. Hence, the appellate Court issued Non-bailable warrants against the accused as they failed to appear before the Court since beginning. The Non-bailable warrants were suo-moto recalled and the appeal was dismissed. The appellate Court also directed issuance of warrants for arrest of accused and to keep them in jail to serve the sentence.

5. From the above, it is clear that the appeal was dismissed without considering the case on merits and without hearing the accused.

6. Learned counsel for the petitioners submits that the accused will appear before the Court and shall abide any conditions imposed by the appellate Court.

7. Having regard to the said submissions made, since the appeal was dismissed for default, the same shall stand restored to its file with a direction that the appellate Court shall dispose of the appeal on merits in accordance with law. It is needless to mention that the appellants herein shall appear before the appellate Court on or before 25.04.2016 and make suitable applications, for recall of warrants in which event the same shall be recalled on such conditions and terms as the said Court deems fit and proper.

Accordingly, the criminal revision case is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

11.04.2016
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Dated : 11.04.2016

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