

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1720 of 2016

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 25.03.2016 passed in CrI.M.P.No.575 of 2015 in M.C.No.04 of 2015 by the Judicial Magistrate of First Class, Railway Kodur, YSR Kadapa District, whereby the Court below dismissed the application filed by the petitioner to dispense with his presence.

Heard and perused the material available on record.

The petitioner is facing trial in MC No.04 of 2015. He is resident of Bangalore. He filed the impugned application before the Court below to dispense with his presence before the Court below since he met with an accident and his left leg was fractured and he was advised not to travel long distances and that he has to look after his father, who is suffering with old age ailments. The Court below dismissed the said application vide order impugned.

Learned Additional Public Prosecutor opposed this revision.

Though notice is not ordered against respondents 1 and 2, this Court is of the view that if the presence of the petitioner is dispensed with before the trial Court, it will not cause any prejudice to the respondents. Hence, this Court is inclined to pass the following order:

The order of the Judicial Magistrate of First Class, Railwaykodur, YSR Kadapa District, dated 25.05.2016 passed in CrI.M.P. No.575 of 2016 in M.C. No.04 of 2015, is hereby set aside and the petitioner's presence before the trial Court is dispensed with. The petitioner is permitted to represent his case through his counsel

before the trial Court on all hearing dates and he shall appear before the trial Court as and when his presence is specifically required by the trial Court.

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

RAJA ELANGO, J

July 01, 2016.
KTL