

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1441 OF 2014

ORDER:

This Criminal Revision Case is filed by the petitioner/*de facto* complainant seeking for cancellation of anticipatory bail granted to respondent No.1 *vide* order, dated 9.5.2014, in CrI.M.P.No.510 of 2014 by the VII Additional District and Sessions Judge, Gudur, S.P.S.R. Nellore District.

2. The offences alleged against respondent No.1/A-1 are punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. *Vide* order, dated 9.5.2014, in CrI.M.P.No.510 of 2014, respondent No.1 was granted anticipatory bail by the VII Additional District and Sessions Judge, Gudur. Thereafter, respondent No.1 left the country on 6.7.2014. The petitioner filed CrI.M.P.No.841 of 2014 before the Court below under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No.1 on 9.5.2014 in CrI.M.P.No.510 of 2014 and the same was dismissed. Challenging the same, she filed the present Revision Case.

3. Heard and perused the material available on record.

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4. The main grievance of the petitioner is that since the Court below granted anticipatory bail to respondent No.1, he left the country and he is not appearing before the trial Court and hence, the trial Court could not proceed with the trial.

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5. Learned counsel for respondent No.1 submitted that respondent No.1 is ready to face the trial before the trial Court through his father – P.Gopal Reddy, who is arrayed as A-3.

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6. If it is the grievance of the petitioner that the trial Court cannot proceed with the case due to the absence of respondent No.1, this

Court is of the view that the Criminal Revision Case can be disposed of with the following directions:

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(1) The trial Court is directed to proceed with the case by dispensing with the presence of respondent No.1/A-1 and permitting him to be represented in the Court through A-3 - P.Gopal Reddy, who is his father, and

2) Respondent No.1/A-1 is directed to file an affidavit through A-3 informing that A-3 will appear before the trial Court on his behalf and answer all the questions including examination under Section 313 Cr.P.C. and further, to give an undertaking to appear on the date of judgment. On such affidavit filed by A-1 through A-3, the trial Court shall proceed with the trial and conclude the same in accordance with law.

7. Accordingly, the Criminal Revision Case is disposed of.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

14.7.2016

AMD

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