

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2974 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the docket order dated 08.02.2016 passed in C.C.No.418 of 2015 on the file of the Court of the Judicial Magistrate of First Class at Manthani.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. A perusal of the record reveals that the Station House Officer, Manthani Police Station, filed charge sheet arraigning the petitioner as sole accused and after numbering the charge sheet as C.C.No.418 of 2015, the trial court has issued a Non-Bailable Warrant against the petitioner. It is needless to say that after filing of the charge sheet, the Court has to issue Bailable Warrant to the accused. If the accused fails to appear in pursuance of the Bailable Warrant, then the Court can issue Non-Bailable Warrant. In the instant case, the trial Court straightaway issued the Non-Bailable Warrant instead of issuance of Bailable Warrant.

4. Learned counsel for both the parties with one voice submitted that the issue involved in this revision is squarely covered by the order of this Court dated 30.04.2013 passed in Criminal Revision Case Nos.858, 859 and 896 of 2013.

5. Having regard to the facts and circumstances of the case and also the order of this Court dated 30.04.2013 passed in Criminal Revision Case Nos.858, 859 and 896 of 2013, the docket order in

question is hereby set aside. The trial Court is requested to issue Bailable Warrant against the petitioner herein for his appearance before the trial Court.

6. Accordingly, the Criminal Revision Case is allowed.

7. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.11.2016
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