

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2701 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 21.09.2016 passed in CrI.M.P.No.4611 of 2015 in C.C.No.733 of 2015 on the file of the Court of the I Additional Judicial Magistrate of First Class, Kadapa.

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

3. A perusal of the record reveals that the petitioner is facing trial in C.C.No.733 of 2015 for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Originally the complaint was filed in the Court of I Additional Judicial Magistrate of First Class, Kadapa and thereafter, the matter was transferred to Hyderabad. Again the matter was retransferred to the same Court. The petitioner filed CrI.M.P.No.4611 of 2015 in C.C.No.733 of 2015 under Section 205 of Cr.P.C. to dispense with his presence on each and every date of adjournment. After considering the entire material available on record, the trial Court dismissed the petition.

4. The contention of the learned counsel for the petitioner is that there is a life threat to the petitioner if he attends the Court at Kadapa.

5. The Court has to take into consideration the facts and circumstances of each case while disposing of the petitions of this nature. Admittedly the petitioner does not belong to Kadapa

District. There is no dispute with regard to the identity of the petitioner. Even if the presence of the petitioner is dispensed with, no prejudice will be caused to the first respondent/*de facto* complainant. In view of the pendency of the main case, this Court is not inclined to express any opinion touching the controversy involved in this case.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to allow the petition.

7. In the result, the Criminal Revision Case is allowed setting aside the order dated 21.09.2016 passed in CrI.M.P.No.4611 of 2015 in C.C.No.733 of 2015 on the file of the Court of the I Additional Judicial Magistrate of First Class, Kadapa. Consequently, CrI.M.P.No.4611 of 2015 is allowed dispensing with the presence of the petitioner before the I Additional Judicial Magistrate of First Class, Kadapa, on each and every date of adjournment. However, he shall appear before the said Court at the time of Section 313 Cr.P.C. examination and pronouncement of judgment.

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

T.SUNIL CHOWDARY, J

Date: 09.11.2016
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