

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3216 OF 2017

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/accused to enlarge him on bail in Spl.S.C.No.56 of 2015 pending on the file of I Additional District and Sessions Judge, Mahaboobnagar, for the offences punishable under Sections 376 and 506 of IPC.

The petitioner was already enlarged on bail but on 02.03.2017 when the schedule was fixed for trial of the case, he was absent. Hence, the schedule was cancelled. The Sessions Court ordered N.B.W. and only after repeated reminders, the police could execute the warrant and they produced the accused before the Court on 03.03.2017 and remanded him to judicial custody. Again the Sessions Judge fixed the schedule from 31.03.2017 to 07.04.2017.

It is the contention of the petitioner that he was defended by a State Brief Legal Aid counsel for the present as the earlier Advocate whom he engaged did not represent the matter before the Court below effectively. Now the petitioner intends to engage an Advocate and as he is in judicial custody, it is difficult for him to engage an Advocate. Therefore, the petitioner requested to enlarge him on bail.

The conduct of the petitioner in having appearance before the Court below on 02.03.2017 i.e., schedule fixed for trial clearly shows that the petitioner avoided the trial for one reason or the other and when he was remanded to judicial custody after his production before the Court on execution of the warrant, the Sessions Judge fixed fresh schedule. It was likely to be completed on 07.04.2017, but according

to the learned counsel for the petitioner only two witnesses were examined till today and there is no likelihood of completing trial before the Sessions Court.

The petitioner could engage a counsel in High Court at Hyderabad though he is in jail at Mahaboobnagar and hence, it is easy for him to engage an Advocate at Mahaboobnagar. Therefore, the judicial custody will never come in the way of the petitioner to engage an Advocate at Hyderabad as one of his relatives is the maid servant to his counsel and the same procedure can be followed to engage an Advocate at Mahaboobnagar. Therefore, it is not a ground to enlarge the petitioner on bail who successfully avoided trial of the case.

The Criminal Petition is dismissed accordingly. The Sessions Judge is directed to complete the schedule, as expeditiously as possible, within one month from the date of receipt of a copy of this order.

Dt.26.04.2017
ssp

A circular green seal of the High Court of Judicature at Hyderabad, Andhra Pradesh. The outer ring contains the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' at the top and 'ANDHRA PRADESH' at the bottom. Inside this, another ring says 'FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH'. The center features the Ashoka Lion Capital and the motto 'सत्यमेव जयते' in Devanagari script.

M.SATYANARAYANA MURTHY, J