

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Revision Case No.1110 of 2017

ORDER:

Heard before admission the learned counsel for the petitioner- A.3 vis-à-vis learned Public Prosecutor representing the State and perused the main docket order dated 06.02.2017.

2. After the police filed final referred report from the protest petition filed by the defacto-complainant, the learned Magistrate by following the procedure u/sec.200-204 r/w 190 CrPC, has taken cognizance for the offences u/ sec.447 IPC and Section 3(1) (r) (s) of Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, against accused and issued Non Bailable Warrants(N.B.Ws.). It is the submission that issuing of a warrant is a serious one without showing reasons for exception to the normal course of issuing of summons by the learned Magistrate and same is liable to be set aside.

3. In fact, once the trial Court exercised discretion though not in so many words by assigning reasons for the warrant issued, for this Court within the limited scope while sitting in revision, there is nothing to interfere with that discretionary power, but for giving liberty to the petitioner to file an application u/ Sec.44 of CrPC before the learned Magistrate if not committed to the Court of Sessions or before the Special Judge, if committed to the Court of Sessions, to surrender and on execution of personal bond with or without sureties, as being directed by the lower Court concerned, u/ sec.88 and 89 of Cr.P.C., to release him on the same day by virtue of this order.

Accordingly and in the result and with above directions, the revision is disposed of. Consequently, miscellaneous petitions, if any pending, in this revision shall stand closed.

Date: 19.04.2017.
vvr

Dr. B.SIVA SANKARA RAO J,

