

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1839 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity) is filed by the petitioners/accused, assailing the order, dated 11.05.2017, of the learned XV Special Magistrate, Hyderabad, passed in CrI.M.P.No.343 of 2017 in C.C.No.209 of 2016 (Old C.C.No.2207 of 2016).

2. I have heard the submissions of the learned counsel for the petitioners and of the learned Public Prosecutor for the State of Telangana representing the first respondent at the stage of admission. I have perused the material record.

3. By the order impugned, the learned Special Magistrate dismissed the application of the petitioners/accused filed under Section 317 of the Code on the grounds that despite adjourning the matter twice at the stage of cross-examination of P.W.1, the 2nd petitioner/2nd accused failed to appear before the said Court and that the miscellaneous petition is filed by giving inadequate reasons that the 2nd petitioner is out of station and, therefore, the petition deserves to be dismissed. Aggrieved thereof, the petitioners are before this Court.

4. At the hearing, the learned counsel for the petitioners/accused would submit as follows: The trial Court ought to have allowed the subject miscellaneous petition accepting the genuine reason stated by the second petitioner. He was representing the 1st petitioner-Company. He

could not attend before the Court as he was out of station. He is a law abiding citizen. He undertakes to appear before the trial Court on the next date of hearing without fail. Therefore, an opportunity may be granted to the petitioners/accused by setting aside the impugned order. Pursuant to the impugned order, the trial Court issued Non Bailable Warrants against the second petitioner for securing his attendance before the trial Court. If the warrants are executed and the 2nd petitioner is lodged in prison, his family members would suffer serious loss.

5. Having regard to the facts and submissions, this Court is satisfied that this Criminal Revision Case can be disposed of at the stage of admission by granting appropriate relief.

6. In the result, the Criminal Revision Case is allowed and the order impugned is set aside and the Non Bailable Warrants said to have been issued against the petitioners/accused by the trial Court are recalled subject to the condition that the second petitioner, who is also representing the first petitioner-company, shall appear before the trial Court, on 13.07.2017, without fail. If necessary, the trial Court in its discretion and to its satisfaction, may obtain from the 2nd petitioner and his sureties, bonds as may be necessary under facts and in law to ensure his attendance in the above said case on all future dates of hearing/ adjournments. It is made clear that on failure of the 2nd petitioner to appear before the trial Court on 13.07.2017, the trial Court shall be at liberty to proceed against the petitioner in accordance with the procedure established by law.

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

M.Seetharama Murti, J

04th July, 2017

Note:-

Furnish C.C. by 05.07.2017
(B/O) Bvv

