

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2063 of 2017

JUDGMENT:

This Criminal Revision Case, under Sections 397 and 401 of Cr.P.C, is filed by the petitioners/A.1 and A.2 assailing the Order dt.30.06.2017 in CrI.M.P.No.2647 of 2017 in C.C.No.476 of 2014 passed by the Special Magistrate at Nandyal, dismissing an application filed under Section 70(2) of Cr.P.C. on the ground that the medical certificate produced before the Court is suspicious as "17" was altered as "10" in the date column and thereby disbelieved the cause shown by the petitioners for his non appearance on the date of adjournment.

During hearing, the learned counsel for the petitioners drawn the attention of this Court to the medical certificate, which was produced before the Court on 11.04.2017. As seen from the medical certificate, there is a correction in the day column and it is clearly appearing that it is "10", but '0' is corrected. However, it was filed on 11.04.2017 itself. If really it was obtained on 17.04.2017, he could not have produced

the same before the Court on 11.04.2017 itself and therefore, the conclusion arrived by the trial Court is *prima facie* erroneous and the reason assigned by the trial Court to disbelieve the document explaining the reason for absence of the petitioners on the date of adjournment is erroneous. Therefore, the Order of the trial Court is liable to be set aside as the conclusion arrived by the trial Court is without any evidence and contrary to the document produced before the Court. Hence, the Order dt.30.06.2017 in CrI.M.P.No.2647 of 2017 in CC No.476 of 2014 passed by Special Magistrate, Nandyal, is hereby set aside recalling the warrant issued against the petitioners/ accused Nos. 1 and 2.

Accordingly, this Criminal Revision Case is allowed.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 01-08-2017.
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Dt. 01-08-2017

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