

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1752 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioners-JDrs.3 & 4 having been aggrieved of the order, dated 22.06.2017, passed in CrI.MP.No.2134 of 2017 in CrI.MP.No.41 of 2017 in D.V.C.No.29 of 2013 on the file of the Court of the learned Special Judicial Magistrate of First Class (Mobile Court), Anantapuramu.

I have heard the submissions of *Sri N. Aswartha Narayana*, learned counsel for the petitioners and of the learned Public Prosecutor (AP) representing the 1st respondent-State, at the stage of admission. I have perused the material record.

Learned counsel for the petitioners would submit as follows:

The 2nd respondent-DHr having obtained an order in the D.V.C., filed CrI.MP.No.41 of 2017 for enforcement of the said orders. In the said pending petition, as the petitioners herein failed to attend before the trial Court, NBWs were issued against them. Therefore, they filed the afore-stated CrI.MP.No.2134 of 2017 for recalling the NBWs stating in detail the circumstances in which they could not appear before the trial Court in the enforcement petition. The 1st petitioner is a cardiac patient. The 1st petitioner is the mother-in-law and the 2nd petitioner is the brother-in-law of the 2nd respondent-DHr. They are residents of Guntakal and Hindupur. The 1st petitioner is a sick lady and the 2nd petitioner is attending upon her as there is no other person to look after her. The 2nd petitioner is working in a Bank as a Manager and he is a responsible and law abiding citizen; if he is taken into custody and is confined to prison, he may lose his job; he has his own family; he has the responsibility of maintaining his mother as well.

Learned counsel would further submit that the petitioners are prepared to abide by any conditions that may be imposed by this Court.

Having regard to the facts and submissions, the Criminal Revision Case is allowed and the order impugned is set aside subject to the conditions that the petitioners shall, within three (03) weeks from today, deposit Rs.50,000/- to the credit of D.V.C.No.29 of 2013 on the file of the Court of the learned Special Judicial Magistrate of First Class (Mobile Court), Anantapuramu, and on their surrender within the said time before the said Court. Nevertheless on such surrender, the petitioners shall forthwith be enlarged on bail on their executing personal bonds for Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each in a like sum each to the satisfaction of the said learned Magistrate. On failure of the petitioners to deposit the amount directed supra, the trial Court shall proceed against them in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

27.06.2017

Note: Issue CC by 29.06.2017.

(B/o)
Vjl