

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1869 of 2017

ORDER:

The learned I-Additional Judicial Magistrate of First Class, Narasaraopet, by his order dated 19.06.2017 in CrI.M.P.No.1179 of 2017 in C.C.No.343 of 2016, rejected the request made by the revision petitioner - accused under Section 205 of the Code of Criminal Procedure, 1973 (for short, 'the Code') precisely on the ground that he was unconvinced with the medical certificate, dated 21.03.2017, filed by the revision petitioner, as the period of two months' bed rest advised by the Medical Officer in the said certificate would stretch till May, 2017 only, and, therefore, recording the same, the petition was dismissed.

Heard Sri V.K. Viswanath, learned counsel for the revision petitioner. Though, notice was effected on respondent No.2 - complainant, there is no representation on his behalf.

During the course of arguments, learned counsel for the revision petitioner has submitted a photostat copy of the certificate dated 26.06.2017, issued by Dr. B.D. Naidu. In the said certificate, the seal affixed underneath the signature of the doctor shows that he is a Bones Specialist, Civil Surgeon of K.G. Hospital and Professor of Orthopaedic Surgery, Andhra Medical College. The certificate is to the effect that the revision petitioner was further advised to take bed rest for a period of three months, which ends with the month of

September, 2017. But, the learned counsel for the revision petitioner would submit that the revision petitioner obtained yet another certificate, dated 01.10.2017, from the very same doctor advising her to take bed rest for three more months. It appears, the revision petitioner has been continuously and consistently obtaining certificates from the doctor. The truth or otherwise mentioned in such certificates can only be unravelled when the doctor, who issued such certificates, is examined.

Learned counsel for the revision petitioner would submit that the revision petitioner is aged 45 years and, since she is suffering from disc prolapse sciatica, she is unable to move and walk in long stretches and it is difficult to her to bear the pressure when she undertakes a travel.

Keeping in view, the certificates issued by the Medical Officer, irrespective of the truth or otherwise therein, the present Criminal Revision Case can be disposed of, dispensing with the presence of the revision petitioner before the Court below, with certain riders, they being, that the revision petitioner shall file special vakalat before the Court below, that she shall attend the Court below on the date when examination under Section 251 and 313 of the Code will be taken up and also she shall appear on the date when the learned Magistrate pronounces the judgment. Further, the learned I-Additional Judicial Magistrate of First Class, Narasaraopet, is directed to list the case any day in the first week of December, 2017 for preliminary examination

of the revision petitioner and, on such date to be fixed, the revision petitioner is directed to appear before the Court below.

With the above observations and directions, the Criminal Revision Case is disposed of.

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

JUSTICE A.SHANKAR NARAYANA

08.11.2017

v v

