

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.493 of 2017

ORDER:

Heard Sri A.Chandraiah Naidu, learned counsel for the petitioner and Sri Venkata Ranga Das Kanuri, representing learned counsel for the 1st respondent and learned Public Prosecutor representing the State.

The said petition is interlocutory in nature practically not maintainable to entertain the revision under Section 397 Cr.P.C. as per the Four Judge Bench expression of the Apex Court in **Madhu Limaye vs The State Of Maharashtra**¹, however the fact remains that as per the latest three Judge Bench expression in **Prabhu Chawla v State of Rajasthan**² the Court got power to convert the application under Section 482 Cr.P.C. Having regard to the above, the application is entertained under Section 482 Cr.P.C.

Pursuant to the order permitting relaxation of condition to take the passport subject to condition of deposit of Rs.2,50,000/- in addition to the amount deposited in CrI.M.P.No.355 of 2016 while relaxing not to leave the country to appear before the trial Court on every Saturday, the 1st respondent left the country saying he is working in Oracle Corporation INC at USA and unless he resumes the work in view of the prevailing conditions he may likely loose his job. The assurance available to the defacto complainant to face the trial because police stated filed the final report in the form of charge sheet and cognizance is

¹ (1977) 4 SCC 551

² AIR 2016 SC 4245

taken by the learned Magistrate. Once such is the case, the accused is to be given liberty to file application under Section 205 Cr.P.C. to represent him through special vakalath for hearing before the charges and also to answer the charges and proceed with trial day to day or on the dates given by the Court, but for to attend if at all to come as a defence witness or for facing Section 313 Cr.P.C. examination personally.

Subject to the above conditions, the revision is disposed. It is needless to say in the event of non-compliance with the order, the trial Court is entitled to forfeit the amount by imposing as penalty under Section 53 IPC.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 21.03.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

