

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1806 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, having been aggrieved of the docket order, dated 22.06.2017, of the learned Additional Junior Civil Judge, Addanki, passed in S.T.C.No.60 of 2013.

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

3. By the order impugned, the learned Additional Junior Civil Judge, Addanki, ordered for issuance of Non Bailable Warrants against the petitioners/accused *inter alia* observing that the petitioners/accused are avoiding the services of summonses. Therefore, the petitioners are before this Court.

4. The learned counsel for the petitioner would submit as under: 'The trial Court accepted the submission of the prosecution that the petitioners/accused are avoiding to receive summons and, therefore, directed for issuance of Non Bailable Warrants. The petitioners/accused never avoided receiving summons and, in fact, no summonses were ever brought by any authority or person for service on the petitioners/accused. Hence, the question of refusal to receive summons does not arise for

consideration. Therefore, the Non Bailable Warrants that were issued against the petitioners/accused without even making a sincere attempt to serve the summons on them are to be recalled. The petitioners are law abiding citizens and they undertake to abide by any conditions that may be imposed by this Court.

5. The learned Public Prosecutor for the State of Andhra Pradesh appearing for the first respondent would submit that the petitioners/accused are avoiding to receive the summons and for that valid reason only the trial Court ordered for issuance of Non Bailable Warrants against them.

6. Having regard to the facts and submissions, this Court is of the considered view that this Criminal Revision Case can be disposed of at the stage of admission, as the petitioners have now undertaken to appear before the trial Court on or before 20.07.2017 and execute bonds to the satisfaction of the trial Court for their assured attendance in future before the trial Court in the afore-stated case.

8. In the result, the Criminal Revision Case is disposed of at the stage of admission 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 petitioners/accused shall appear before the trial Court, as undertaken before this Court, on or before 20.07.2017. On such appearance of the petitioners/accused before the trial Court, the trial Court shall obtain necessary bonds from them and their sureties to ensure the attendance of the petitioners-accused 1 and 2 before the said Court in the afore-stated case on all future dates of hearings/adjournments.

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

M.Seetharama Murti, J

04th July, 2017
Bvv

