

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No. 1467 OF 2017

ORDER:

This Criminal Revision Case is filed by the petitioner/A1, under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for brevity, 'the Code') having been aggrieved of the order, dated 03.05.2017, passed in CrI.M.P.No.155 of 2018 in S.C.No.564 of 2012 on the file of the Court of the learned I Additional Sessions Judge, Kurnool, whereby his petition under Section 70(2) of the Code for recalling the NBW issued against him was dismissed.

2. I have heard the submissions of the learned counsel for the petitioner/A1 and of the learned Public Prosecutor appearing for the State of Andhra Pradesh. I have perused the material record.

3. The learned counsel for the petitioner would submit that the petitioner could not attend before the trial court on account of his ill-health and that in support of the said submission medical certificate could not be produced before the trial court and that on that ground, the impugned petition was dismissed. Learned counsel would further submit that a medical certificate was submitted along with the material papers and that the petitioner/A1 is prepared to appear before the trial court on the date of every adjournment during the trial and abide by any conditions, which may be imposed, while recalling the NBW.

4. Learned Public Prosecutor, while supporting the order impugned, would submit that as per the instructions received there is one more case pending against the present petitioner-A1 and that the accused 2 and 3 in

the Sessions Case are regularly appearing before the Sessions Court and that the progress in the Sessions Court is stalled as the present petitioner/A1 is absconding.

5. Having regard to the facts and submissions, this Court is of the considered view that an opportunity can be given to the petitioner/A1 by modifying the orders impugned in this revision.

6. Accordingly, the Criminal Revision Case is allowed and the petitioner/A1 is directed to surrender before the court below/trial court within two weeks from today. Nevertheless, on such surrender of the petitioner/A1 before the trial court, as directed, he shall be enlarged on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, viz., one relative and one Government employee, in a like sum each to the satisfaction of the learned I Additional Sessions Judge, Kurnool. As a sequel to this order, the NBW issued against the petitioner shall remain in abeyance. On failure of the petitioner to comply with the above directions, the trial Court is at liberty to proceed against the petitioner/A1 in accordance with the procedure established by law and the order keeping the NBW in abeyance shall stand revoked.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE M.SEETHARAMA MURTI

June 16, 2017
LMV