

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1707 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, by the petitioner-accused is directed against the order, dated 20.03.2017, of the learned III Additional Chief Metropolitan Magistrate at Vijayawada, passed in CrI.MP.No.599 of 2017 in C.C.No.260 of 2012.

I have heard the submissions of *Sri Sasanka Bhuvanagiri*, learned counsel for the petitioner-accused 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 petitioner-accused would submit as follows:

The petitioner was in a foreign country for quite some time. On his return to India, he met with an accident. His daughter was also hospitalised. In the said circumstances, he could not appear before the trial Court though an NBW was issued against him on 16.04.2015. Stating all the circumstances in detail, the afore-stated Miscellaneous Petition was filed before the trial Court, on 03.02.2017, requesting to recall the NBW. However, the trial Court was pleased to dismiss the petition as the present Calendar Case is one of the identified cases. The petitioner could not attend before the trial Court only for the reasons stated by him and there are no wilful laches on his part and he is a law abiding citizen. The petitioner in-fact settled number of cases pending against him though he is in financial difficulties. He is prepared to surrender before the trial Court and abide by any conditions that may be imposed by this Court.

Having regard to the narrow compass of the issue involved in the matter, this Court is of the considered view that this revision case can be disposed of at the stage of admission.

In the result, the Criminal Revision Case is allowed and the order impugned is set aside subject to the condition that the petitioner shall surrender before the learned III Additional Chief Metropolitan Magistrate, Vijawayada, Krishna District, within three (03) weeks from today. On such surrender, the petitioner shall be released forthwith on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties in a like sum each to the satisfaction of the said learned Magistrate. During such period of three weeks, the NBW issued against the petitioner shall remain in abeyance. However, on the failure of the petitioner to comply with the directions in this order, the NBW issued against him shall stand revived and the trial Court shall be at liberty to proceed against him in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

27.06.2017
Vjl

JUSTICE M. SEETHARAMA MURTI