

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO. 561 OF 2017

ORDER:

Heard the learned counsel for the petitioner and learned Public Prosecutor.

2. This Criminal Revision Case is filed against the orders passed in CrI.M.P.No.49 of 2017 in P.R.C.No.7 of 2015 dated 20.2.2107 on the file of the Judicial First Class Magistrate (Special Mobile Court) at Mahabobnagar, Mahaboobnagar district in dismissing the application filed Under Section 205 of Cr.P.C.

3. The facts of the case are that the petitioner herein is charged for the offences under sections 120-B, 302, 379, 404, 201 read with 34 IPC. Initially the case was taken on file against the accused on 7.10.2013 and the same was numbered as P.R.C.No.59 of 2013. Later, it was transferred to the Judicial First Class Magistrate, Mahabubnagar. During the pendency of the P.R.C. before the Court below, the petitioner herein never appeared before the Court. The offences are triable by the Sessions Court. When the matter was pending before the Committal Court, an application under Section 205 Cr.P.C. was filed vide CrI.M.P.No.49 of 2017 stating that the petitioner herein is a permanent resident of USA and his family

members are residing there only. Therefore, he sought for dispensing with his personal attendance. The Court below, after hearing, was pleased to dismiss the said CrI.M.P.No.49 of 2017 vide order dated 20.2.2017. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel appearing for the petitioner would submit that the petitioner is a permanent resident of USA and there is personal inconvenience for him to attend the Court on every date of hearing and as such he may be permitted to engage a counsel on his behalf.

5. Per contra, learned Public Prosecutor brought to the notice of the Court, the conduct of the petitioner, in not attending the Court on all adjournments. He also brought to the notice of the Court that the petitioner herein was in India on number of occasions, but still, he has not chosen to appear before the Court. Therefore, no indulgence can be shown .

6. From a perusal of the order dated 20.2.2017 in CrI.M.P.No.49 of 2017, it is clear that for the last three years, the petitioner is not appearing before the Court even though the case has been numbered as P.R.C.No.59 of 2013. While dismissing the application, the Court below was also pleased to observe that the Court has taken judicial notice of the fact that since last three years it is not the case that the petitioner never

came to India, in fact, he was very much in India on number of occasions and he gave interviews in a Television Channel.

7. For the purpose of entertaining an application under Section 205 Cr.P.C., the Magistrate has got a discretion and if he sees a reasonable ground to dispense with the personal attendance of the accused and permit him to appear through his Pleader, the same can be ordered.

8. But, in the case on hand, the conduct of the petitioner is such that he has not chosen to appear before the Court on any adjournment for three years after the case is numbered as P.R.C. On the other hand, he was giving interviews in a Television Channel. Therefore, this Court feels that no indulgence can be shown and it is not a fit case to dispense with the personal attendance of the petitioner before the Court below and to permit him to appear through his counsel.

9. Accordingly, this Criminal Revision Case is dismissed.

10. At this stage, learned counsel for the petitioner brought to the notice of this Court that warrant has been issued against the petitioner on 8.3.2017 and he sought to recall the said warrant.

11. Looking into the facts and circumstances of the case, the petitioner is permitted to move an application for recall of the warrant and in such an event, the Court below is directed to

consider the same for recalling the warrant and pass appropriate orders on the same day.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHAHA RAO,J

Date: 5.6.2018

KPM

