

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6338 of 2018

ORDER :

The petitioner is A1 in S.C.No.339 of 2013 on the file of the learned VI Additional District & Sessions Judge, Fast Track Court, Krishna at Machilipatnam. The crime registered is for the offences punishable under Sections 302 & 120-B IPC taken cognizance from the police final report in the form of charge sheet filed by the Station House Officer, Chilakalapudi Police Station, who registered Crime No.198 of 2012 and the case after committal allotted the Sessions Case number supra. It is almost at the fag end of trial as coming for arguments it appears.

2. The petitioner is involved in another Crime No.6 of 2017, on the file of Chilakalapudi Police Station, registered for the offences punishable under Section 8(c) r/w 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, amended Act 9 of 2001 (for short 'the Act') dated 10.01.2017 and he was arrested and taken to judicial custody therein. So far as S.C.No.339 of 2013 is concerned, he was granted regular bail at the crime stage of Crime No.198 of 2012 referred supra in CrI.M.P.No.219 of 2013 on 14.03.2013 and appearing to

the Court regularly. For his non-appearance during trial in the Sessions Case, subsequent to 10.01.2017 it appears NBW was issued. In fact, it is the submission that he was taken to judicial custody and thereby could not attend and giving of NBW does not arise, but for P.T. warrant. Even he was granted bail on 16.02.2018 in the above referred Crime No.6 of 2017, he did not furnish solvency.

3. It is in the factual scenario after he was produced on P.T. warrant from the judicial custody in Crime No.6 of 2017 to S.C.No.339 of 2013, taken to custody and he is in judicial remand in S.C.No.339 of 2013 also. He filed a fresh bail application in Crl.M.P.No.70 of 2018 in S.C.No.339 of 2013 instead of filing a memo stating he could not attend earlier for issuing NBW, if any, in S.C.No.339 of 2013 or for issuing P.T. warrant and securing from Crime No.6 of 2017 to S.C.No.339 of 2013. The bail dismissal order of the learned VI Additional District & Sessions Judge dated 03.03.2018 in S.C.No.339 of 2013 reads that the petitioner is a rowdy sheeter and involved in several crimes besides Crime No.156 of 2014 and Crime No.44 of 2017 of Chilakalapudi Police Station and as the trial is at fag end

if at all he released on bail, he may put spokes to the trial. The case is posted for examination under Section 313 Cr.P.C. as on 11.01.2018 and he reported defence evidence and it was adjourned to 25.01.2018 and again to 08.02.2018 and his counsel filed Memo dated 20.02.2018 stating no defence evidence and thereby, the bail application is dismissed.

4. So far as the facts concerned, already bail was granted that was not cancelled, solvency not produced and he is in judicial custody therefrom by non-availing the concession of bail by furnishing solvency. So far as S.C.No.339 of 2013 is concerned, he was on regular bail referred supra and attending the Court and because later he was involved in NDPS cases in Crime No.6 of 2017 and taken to judicial custody and was in judicial custody therein, even bail granted for non-furnishing solvency, he could not attend for adjournments in S.C.No.339 of 2013 and it is thereby in the Sessions Case he was taken on P.T. warrant. Once such is the case, the question of again filing the bail application in Crl.M.P.No.70 of 2018 much less of its dismissal on 03.03.2018 does not arise, so also passing of an order by this Court from moving application in Crl.P.No.3012 of 2018 for the reason the

earlier bail order not at all cancelled in any of the two cases. No doubt, this Court in disposal of the bail application in Crl.P.No.3012 of 2018 dated 21.03.2018 directed the learned Sessions Judge to complete the trial in S.C.No.339 of 2013 within thirty 30 days therefrom and it is the submission of the learned Public Prosecutor that already the prosecution arguments held and it is for the defence arguments.

With the above observations, this Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

28.06.2018
MVA

Dr. B. SIVA SANKARA RAO, J

