

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.1565 OF 2018

ORDER:

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

2. The present Criminal Revision Case is filed questioning the docket order dated 13.6.2018 in CC.No.955 of 2016 on the file of the IX Metropolitan Magistrate, Cyberabad, Kukatpally, dismissing the application filed Under Section 317 of Cr.P.C. to dispense with the presence of the petitioner herein on 13.6.2018.

3. The facts of the case are that the petitioner/Accused No.4 herein along with others has been charged for the offence Under Sections 417, 419, 467, 468 and 471 IPC. During the pendency of the CC, the matter was posted to 13.6.2018 for appearance of the accused Nos.1 to 4.

4. It is informed by the learned counsel for the petitioner that the accused Nos.1 and 2 are absconding as per the docket order. As far as the petitioner herein is concerned, he got filed a petition Under Section 317 of Cr.P.C. through his counsel to dispense with his appearance on 13.6.2018. However, the said petition is dismissed and the Court below issued NBW against the petitioner/Accused No.4. Aggrieved by the said docket

order dated 13.6.2018 in dismissing the petition filed Under Section 317 of Cr.P.C., and issuance of NBW against the petitioner, the present Criminal Revision Case is filed.

5. Learned counsel for the petitioner would submit that the petitioner herein is a practising Advocate and he was out of station on 13.6.2018. Therefore, he got filed a petition Under Section 317 of Cr.P.C. However, the said petition has been dismissed by the Court below without giving any reason. Further, it is also not the case that the petitioner herein has been avoiding the process of the Court.

6. In these circumstances, this Court is inclined to interfere with the docket order dated 13.6.2018.

7. In the facts and circumstances of the case, the docket order dated 13.6.2018 in dismissing the Crl.M.P.No.1892 of 2018 is set aside and the non-bailable warrant dated 13.6.2018 issued against the petitioner/Accused No.4 is hereby recalled.

8. Accordingly, Criminal Revision Case is allowed.

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

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P. KESHA RAO,J

Date: 25.6.2018

KPM