

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1620 OF 2018

ORDER:

This Criminal Revision Case is filed against the orders passed in CrI.M.P.No.301 of 2018 in C.C.No.62 of 2016, dated 04.04.2018, dismissing the petition filed under Section 70(2) of Cr.P.C. to recall the warrants issued against the petitioner on 20.04.2016, on the file of Special Judicial Magistrate of First Class, Kovur.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent-State.

The facts of the case are that the petitioner herein is charged for the offences under Sections 341 and 352 of I.P.C. During the pendency of the case, summons were issued on the petitioner along with A.1 on 14.06.2010. The petitioner did not present before the Court on that date and also for some period, but he was represented by an Advocate by filing a special vakalat. However, the petitioner was absent on 3.12.2014 and N.B.Ws. were issued against him and the same were recalled later. Subsequently, the case was transferred to the Court of Special Judicial Magistrate of First Class, Kovur and numbered as C.C.No.62 of 2016. After re-numbering of the said C.C., summons were issued to the petitioner, which were served on him on 18.03.2016 directing him to appear before the Court on 20.04.2016. However, he has not chosen to appear before the Court below. Therefore, N.B.Ws. were issued against the petitioner on 20.04.2016. To recall the said N.B.Ws., the petitioner filed a petition vide CrI.M.P.No.301 of 2018

on 03.04.2018. The said petition was dismissed by orders dated 04.04.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that the petitioner herein is working as Inspector of Police and at present he is working at Ongole. Because of his official engagements, he could not appear before the Court on 20.04.2016. Therefore, the counsel requested this Court to recall the N.B.Ws. issued against the petitioner.

Per contra, the learned Public Prosecutor would submit that the petitioner herein has not attended before the Court below even once.

From a perusal of the material on record, it is revealed that though summons were served on the petitioner herein, at the first instance, he engaged an advocate by giving a special vakalat but he never appeared before the Court. After the case has been transferred to the present Court, even after service of summons through registered post on 18.03.2016, the petitioner has not chosen to appear before the Court below on 20.04.2016. On that day, the Court below issued N.B.Ws. After lapse of a period of two years, the petitioner filed CrI.M.P.No.301 of 2018 for recall of the said warrants issued against him. The Court below while dismissing the application was pleased to observe the conduct of the petitioner, more particularly, in not attending the Court since inception. The Court below came to a conclusion that the petitioner is deliberately avoiding to appear before the Court with a view to delay the process of the Court and there are no *bona fides*

on the part of the petitioner in not attending the Court below. Therefore, this Court is of the opinion that no indulgence can be shown on the petitioner. However, keeping in view the fact that the petitioner is a Government employee, more particularly, working as Inspector of Police, liberty is given to him to surrender before the Special Judicial Magistrate of First Class, Kovur, within two weeks from the date of receipt of the copy of the orders and file an application for recall of the warrants. On filing such application, the learned Special Judicial Magistrate of First Class, Kovur is directed to consider the same and pass appropriate orders on the same day as per law.

With the above said observations, the Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHAVA RAO,J

29th JUNE 2018.
Tsr