

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1761 OF 2018

ORDER:

This Criminal Revision Case is filed against the orders passed in CrI.M.P.No.993 of 2018 in C.C.No.339 of 2018 (old C.C.No.224 of 2013), dated 26.06.2018, dismissing the petition filed under Section 70(2) of Cr.P.C. to recall the warrants issued against the petitioner on 30.07.2015, on the file of the I Additional Chief Metropolitan Magistrate, Hyderabad.

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 420, 468 and 471 of I.P.C. in C.C.No.339 of 2018 on the file of the I Additional Chief Metropolitan Magistrate, Hyderabad. During the pendency of the case, summons were issued against the petitioner on 30.07.2015. To recall the said N.B.Ws., the petitioner filed a petition vide CrI.M.P.No.993 of 2018. In the said petition, the petitioner has taken a stand that due to non-service of the summons, he could not attend the Court on 30.07.2015 as such the Non-Bailable Warrant was issued against him. In these circumstances, the warrant so issued, may be recalled. However, the Court below after hearing, was pleased to dismiss the said petition by orders dated 26.06.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that the summons in the said C.C. are not served on the

petitioner and as such he has not appeared before the Court below on 30.07.2015. He also contended that the petitioner has engaged the services of a counsel only at the stage of grant of bail and in fact, he has not instructed any counsel to appear on his behalf in the C.C.

Per contra, the learned Public Prosecutor appearing for the respondent-State opposed the relief sought for in the present criminal revision case.

Having heard both the counsel and a perusal of the material on record would disclose that the petitioner herein engaged the services of an advocate by name Sri Stefen Jaideep, who filed his memo of appearance and on that day, he filed a petition under Section 317 of Cr.P.C. to dispense with the presence of the petitioner herein. On 30.07.2015 also the said counsel filed another petition to dispense with the personal appearance of the petitioner. However, the said petition was dismissed and non-bailable warrant has been issued against the petitioner. Therefore, the contention of the counsel for the petitioner that summons were not served on him in the C.C. is not correct. However, to give an opportunity to the petitioner to appear before the trial Court and to defend himself in the C.C., this Court deems it appropriate to direct the petitioner herein to appear before the Court below within one week from today and file a petition to recall the Non-Bailable Warrant issued against him on 30.07.2015. On filing such a petition, the learned I Additional Chief Metropolitan Magistrate, Hyderabad is directed to consider the said petition and pass appropriate orders 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.KESHAHA RAO,J

10th JULY 2018.
Tsr

