

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE NO. 2018 OF 2018

ORDER :

Heard the learned counsel for the petitioner/A-3 and the learned Public Prosecutor appearing for the respondent/State.

2. The present Criminal Revision Case is filed challenging the docket order dated 11/06/2018 in SC/ST/SC No. 32 of 2018 on the file of the Court of Special Judge for Trial of Offences under SC/ST [POA] Act-cum-V-Additional District and Sessions Judge, Medak at Sanga Reddy, issuing Non-bailable warrant against the petitioner.

3. The facts in brief are that the petitioner herein is A-3 in SC/ST/SC No. 32 of 2018 on the file of the Court of Special Judge for Trial of Offences under SC/ST [POA] Act-cum-V-Additional District and Sessions Judge, Medak at Sanga Reddy. During the course of trial, the petitioner herein filed a petition in CrI.MP.No. 110 of 2018 to dispense his presence on that day. The learned Sessions Judge, while dismissing the said petition, issued Non-bailable warrant against the petitioner. Aggrieved by the same, the present Criminal Revision Case is filed.

4. The learned counsel appearing for the petitioner, would contend that the petitioner is appearing before the court below

through his counsel. It is not the case of the prosecution that he is not co-operating with the trial or that he has absconded and thereby delaying the process of the Court. Therefore, the issuance of Non-bailable warrant after dismissing the petition filed under section 317 Cr.P.C., is not warranted in the present circumstances of the case.

5. The learned Public Prosecutor appearing for the respondent/State, have not opposed the relief sought in the present Criminal Revision Case. However, he requested the Court to direct the petitioner to appear before the Court below and co-operate with the trial.

6. Having heard both the counsel and from the material available on record, it is revealed that except stating that the petitioner/A-3 called absent, petition filed dismissed, issue NBW against the petitioner, nothing has been mentioned in the docket order dated 11/6/2018. In these circumstances, this Court feels that it is a fit case, where non-bailable warrant dated 11/6/2018 issued against the petitioner, should be recalled.

7. Accordingly, the Criminal Revision Case is allowed in setting aside the docket order dated 11/6/2018 to the extent of dismissing the petition filed in CrI.MP.No.110 of 2018 and consequently the Non-bailable warrant dated 11/6/2018 issued against the petitioner is hereby recalled. However, it is made clear that the petitioner/A-3 should appear before the Court below on every date of hearing till the conclusion of the trial.

As a sequel, miscellaneous petitions if any, pending in this Criminal Revision Case shall stand closed.

JUSTICE P. KESHAVA RAO.

31/07/2018
I s L

N B : Furnish CC tomorrow



HONOURABLE SRI JUSTICE P. KESHAVA RAO

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[ALLOWED]



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