

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.2173 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the docket orders dated 05.07.2018 in P.R.C.No.11 of 2017, dismissing the petition filed under Section 317 of Cr.P.C. and issuance of Non-Bailable Warrants against the petitioner, 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 302 and 341 r/w 34 I.P.C. in Crime No.552 of 2015, numbered as P.R.C.No.11 of 2017 on the file of the above said Court. During the pendency of the above said proceedings, the P.R.C. was posted on 05.07.2018. Since the petitioner was unwell and suffering with Heniplegia with low back pain, he could not appear before the Court and to dispense with his presence on 05.07.2018, he filed a petition under Section 317 of Cr.P.C. enclosing the medical certificate issued by Dr.G.Pranitha, Civil Assistant Surgeon, Osmania General Hospital, Hyderabad. However, the said petition was dismissed by the Court below on the ground that there is a conditional adjournment and issued Non-Bailable Warrants. Aggrieved by the said orders, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that on 05.07.2018 the petitioner was unwell and suffering with Heniplegia with low back pain and as such he could not present before the Court. His absence on 05.07.2018 is neither intentional nor deliberate but it was only

due to the reasons stated supra. Therefore, the learned counsel for the petitioner seeks to recall the Non-Bailable Warrants issued against the petitioner subject to a condition that the petitioner shall appear on each and every date of hearing in future.

Per contra, the learned Public Prosecutor appearing for the respondent-State though has not opposed the relief sought for in the present criminal revision case, but requested this Court to impose certain condition so that the petitioner will not repeat the same in future.

Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioner herein has been charged for the offences under Sections 302, 341 r/w 34 I.P.C. The proceedings are at the committal stage in P.R.C.No.11 of 2017. Taking the medical certificate into consideration, this Court is of the opinion that the presence of the petitioner on 05.07.2018 can be dispensed with.

Accordingly, the Criminal Revision Case is allowed setting aside the docket order dated 05.07.2018 in dismissing the petition under Section 317 of Cr.P.C. and the Non-Bailable Warrants dated 05.07.2018 issued against the petitioner are hereby recalled. However, the petitioner is directed to appear before the Court of I Additional Chief Metropolitan Magistrate, Hyderabad on every date of hearing. In default, the learned Magistrate is directed to take appropriate action as per law.

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

P.KESHAVA RAO,J

10th AUGUST 2018.
Tsr