

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Criminal Revision Case No.3485 of 2018

ORDER:

This Criminal Revision Case is arising out of the order dated 12.10.2018 passed in CrI.M.P.No.1005 of 2018 in P.R.C.No.22 of 2016 passed by the learned Judicial Magistrate of First Class at Metpalli.

2. The petitioner is A1 in P.R.C. No.22 of 2016. She filed the petition under Section 70(2) Cr.P.C. for recall of NBW issued against her and the trial Court dismissed the said petition as there were no changed circumstances for consideration from the date of filing of Cr.M.P.No.1099 of 2017.

3. Learned counsel for the petitioner submits that the petitioner is having life threat and thereby, she is unable to attend before the Court.

4. Learned Additional Public Prosecutor submits that the petitioner has approached the High Court and filed Tr.CrI.P.No.238 of 2017 for transfer of the case from the trial Court to any other Court and the High Court dismissed the same by directing the trial Court to provide police protection to the petitioner on her application whenever she attends the Court in connection with P.R.C.No.22 of 2016.

In view of the said direction, the petitioner may file an application before the concerned Police Station for providing police protection to her. Therefore, she cannot avoid appearing before the trial Court on the ground that there is life threat to her.

5. The P.R.C. is pending before the trial Court and due to her non-appearance the same could not be committed to the Court of Sessions. Therefore, there are no grounds for consideration in this matter to set aside the order in Crl.M.P.No.1005 of 2018 in P.R.C. No.22 of 2016 passed by the learned Judicial Magistrate of First Class at Metpalli.

6. With the above observations, this Criminal Revision Case is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

GUDISEVA SHYAM PRASAD, J

24.12.2018

Note: Issue C.C. by 26.12.2018

(B/O)
MVA