

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRIMINAL PETITION No.1170 of 2019

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., to set aside the Docket Order dt.06.02.2019 in C.C.No.54 of 2016 of the XII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad insofar as the said Court noted the absence of the petitioner and the absence of the representation on his behalf, and examined PW-1 and marked Exs.P2 to P11.

2. Counsel for petitioner states that in view of Section 273 of Cr.P.C., the Court below could not have proceeded with the trial in the absence of the petitioner and that petitioner had a right to object to any document by denying its genuineness and that opportunity has also been lost.

3. It is not the case of the petitioner that the petitioner was in jail. Admittedly, petitioner had been granted bail and was free. It is also not the case of the petitioner that he is not aware that the matter is posted on 06.02.2019 for the evidence of the prosecution.

4. If the petitioner chooses to voluntarily abstain from appearing in the Court and also does not engage a counsel, he cannot blame the Court for proceeding with the trial. No valid reason is assigned by the petitioner why he chose to remain absent on 06.02.2019. Therefore, he cannot blame the Court for proceeding with the trial and claim prejudice invoking Sections 273 and 294 of Cr.P.C.

5. I therefore do not find any error of jurisdiction in the order passed by the Court below warranting interference under Section 482 of Cr.P.C.

6. Accordingly, this Criminal Petition fails and it is dismissed.

7. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

01st March, 2019.

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