

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL REVISION CASE No.45 of 2020

ORDER:

This Criminal Revision Case is filed seeking to set aside the docket orders passed by learned I Special Magistrate, Hasthinapuram, Ranga Reddy District, issuing non-bailable warrants against the petitioner in C.C.No.104 of 2018.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The facts of the case shorn off unnecessary details are that respondent No.1 filed a complaint against the petitioner before the learned I Special Magistrate, Hasthinapuram, Ranga Reddy District, which was registered as C.C.No.104 of 2018 and the same is pending disposal. While so, when the matter was called on 01.11.2019, the petitioner was absent and there was no representation on his behalf and hence, non-bailable warrant was issued against him and subsequently, the petitioner filed a petition to recall the non-bailable warrant but the same was dismissed on 24.12.2019. Challenging the issuance of non-bailable warrant, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner submitted that the petitioner was attending the Court regularly and was contesting the said C.C. by appointing an advocate, but as his wife expired in the month of May, 2019, he suffered mental agony and that as he was suffering from health problems, like diabetes and nephro polity, he was unable to move from his house and unfortunately, his counsel was also not present before the Court on 01.11.2019, due to which, the trial Court issued NBW against the petitioner for his non-appearance

and no representation. He further submits that the petition filed by the petitioner to recall NBW was dismissed on 24.12.2019. He further submits that the petitioner was regularly appearing before the Court, but due to his health problems and some unavoidable circumstances, he could not attend the Court on 01.11.2019 and his non-appearance is neither intentional nor deliberate and there was no intention on the part of the petitioner to avoid service and legal process of the Court. He further submits that the trial Court failed to consider the reasons explained by the petitioner and has erroneously dismissed the petition. Thus, he prays to set aside the order passed by the trial Court on 01.11.2019 and the subsequent order dated 02.01.2020.

5. A perusal of the docket order dated 01.11.2019, reflects that the complainant was present, but the accused was absent when the case was called and therefore, the trial Court issued NBW against the petitioner and that the petition filed by the petitioner to recall the said order was dismissed and subsequently, on 02.01.2020 also, as the accused was absent, the trial Court issued fresh NBW against him through the Commissioner of Police and posted the matter to 21.01.2020.

6. As per the grounds taken by the petitioner, he was attending the Court regularly through his counsel, but only on 01.11.2019, due to his absence, NBW was issued against him. The petition filed by the petitioner to recall NBW was dismissed on the ground that the petitioner was avoiding court proceedings and delaying the legal process. Without recording any submission made by the petitioner, the trial Court seems to have taken into consideration the

submissions made by the complainant only and passed the said order.

7. Thus, in view of the nature of offence committed by the petitioner and other facts and circumstances, without adverting to the merits of the matter, I deem it appropriate to set aside the docket orders passed by the trial Court issuing non-bailable warrant against the petitioner.

8. Accordingly, the Criminal Revision Case is allowed, setting aside the docket order dated 01.11.2019 and 02.01.2020 passed by the trial Court in C.C.No.104 of 2018. Further, the petitioner/accused is directed to appear before the trial Court on or before 10.3.2020 and on his appearance, the trial Court shall recall the warrant(s) pending against the petitioner and release him on bail on his furnishing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the trial Court. Further, the petitioner/accused shall appear personally before the trial Court on each date of hearing till conclusion of the trial.

9. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

02nd March, 2020
dr

JUSTICE G.SRI DEVI