

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.904 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) seeking quashing of the order dated 04.02.2019 passed in S.C.Spl.No.57 of 2018 by the VI Additional Metropolitan Sessions Judge, Secunderabad, arising out of Crime No.712 of 2016 of Banjara Hills Police Station, Hyderabad, registered against the petitioner/accused for the offence punishable under Section 3(1)(r)(s) of the SC & ST (POA) Amendment Act, 2015.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submitted that as per the orders of this Court dated 01.11.2015 in CrI.P.No.13672 of 2016, police issued notice under Section 41-A Cr.P.C. to the petitioner/accused and after investigation, police filed charge sheet for the offence punishable under Section 3(1)(r)(s) of the SC & ST (POA) Amendment Act, 2015 and the same was numbered as S.c.Spl.No.57 of 2018, which is pending before the VI Additional Metropolitan Sessions Judge, Secunderabad. The Court below has issued summons to the petitioner/accused but the police did not serve the said summons to the petitioner/accused and filed report before the Court below stating that the petitioner/accused is not available at the given address. On 04.02.2019, the Court below issued non-bailable warrant (NBW) against the petitioner/accused by passing the order as, "*the accused is called absent. Report is filed. It is reported that accused is not available at the given address. Hence, issue NBW. Call On 12.06.2019*". It is further submitted that

recently, the petitioner/accused came to know that Court below has issued NBW against him. The petitioner/accused submits that he has never been served any notice by the police and the Court below failed to follow the provisions of Cr.P.C. and basing on the report of police, the Court below has erroneously passed the order issuing NBW. Hence, a prayer has been made to quash the order passed by the VI Additional Metropolitan Sessions Judge, Secunderabad, on 04.02.2019 in S.C.Spl.No.57 of 2018.

Having regard to the facts and circumstances of the case and also to meet the ends of justice, the order passed by the VI Additional Metropolitan Sessions Judge, Secunderabad, on 04.02.2019 in S.C.Spl.No.57 of 2018 is hereby quashed and the petitioner/accused is directed to surrender before the Court concerned within ten days from the date of receipt of a copy of this order. On such surrender, the learned trial Court shall enlarge him on bail on his furnishing a personal bond for Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of the said Court. It is made clear that the petitioner shall thereafter personally appear before the Court below on each date of hearing till the conclusion of trial.

Subject to the above direction, the Criminal Petition is allowed.

Miscellaneous applications, if any, pending shall stand closed.

(G. SRI DEVI, J)

10th February 2020
RRB