

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE No.697 of 2022

ORDER:

Heard Sri B.Chandra Shekar Reddy, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing respondent No.1-State.

2. Challenge in this Criminal Revision Case is the order that is rendered by the Court of XI Additional Metropolitan Magistrate, Cyberabad in CrI.M.P.No.903 of 2022 in C.C.No.2130 of 2019, dated 29.9.2022.

3. The trial Court through the impugned order while entertaining the application filed under Rule 37 of the Criminal Rules of Practise, dispensed with the attendance of accused Nos.3, 5 and 6 before it. Aggrieved by the said order, the petitioner, who is the defacto complainant, is before this Court.

4. Learned counsel for the petitioner states that without following the procedure prescribed, exemption was granted by the trial Court and hence, the order by which exemption is granted is unsustainable.

5. On the other hand, learned Additional Public Prosecutor states that the Court permitting accused No.1 to represent accused Nos.3, 5 and 6, granted exemption to accused Nos.3, 5 and 6 from appearance and hence, the impugned order needs no interference.

6. Rule 37 of the Criminal Rules of Practise, 1990, reads as under:-

“37. One of the accused may be permitted to represent the other: - Criminal Courts may in cases where there are more accused than one, permit anyone of them to be authorised by any other to represent that other in any Criminal Proceeding; but the authorisation shall be in writing and shall contain the signature of the person giving it and shall be filed in Court.”

7. The said Rule permits the criminal Courts to authorise any one of the accused to represent others in any criminal proceedings. However, it is clearly mentioned that such authorisation shall be given in writing and shall contain the signature of the person giving it and shall be filed in the Court.

8. Learned counsel for the petitioner states that such an authorisation is not filed in writing. It is not the case of

accused Nos.3, 5 and 6 that they have not authorised accused No.1 to represent them.

9. Having considered the submission made that such an authorisation is not filed in writing, this Court considers it desirable to direct the trial Court to obtain such an authorisation, in case the same is not filed. However, it is made clear that there are no grounds to set aside the impugned order.

10. Resultantly, dismissing the Criminal Petition, the following direction is issued:-

The Court of XI Additional Metropolitan Magistrate, Cyberabad, is directed to verify whether accused Nos.3, 5 and 6 have given any authorisation in writing to accused No.1 to represent them in the said Calendar Case and in case, such an authorisation is given, whether the same contains the signatures of those persons.

11. As a sequel, miscellaneous applications, if any,

pending, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

28.10.2022
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