

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE NO: 526 OF 2022

Criminal Revision Case Under Section 397 & 401 of CrI.P.C against the Docket Order dated 19/07/2022 in C.C.No.280 of 2012 on the file of the Court of the III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

Between:

Phani Bhushan Potu, S/o. Raghava Rao Potu, aged about 46 years, Occ-Business, R/o 7-1-211/8. DaramKaram Road Ameerpet, Hyderabad, T.S. and Permanent Resident of M.P.118, Near Head Office, Beside SanthaKothagudem, Khammam District, T.S.

...PETITIONER/A3

AND

1. The State of Telangana, Through Inspector of Police. PS Banjara Hills, Hyderabad Rep. by its Public Prosecutor, High Court of Telangana at Hyderabad

...RESPONDENT

2. Sri. V. Rajaram, S/o. Not known to the petitioner, Aged about 42 years, Occ-Business, R/o. B-56, Journalists colony, Jubilee Hills, Hyderabad-500 033, T.S.,

...COMPLAINANT

IA NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances state in the Memorandum of Grounds of Criminal Revision Case, the High Court may be pleased to dispense with the appearance of the Petitioner for one month ie., upto 10th September, 2022 in view of his daughters admission at USA, in C.C.No.280 of 2012 on the file of Honble III Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad in Cr.No.1253 of 2009, dated 12/11/2009, pending disposal of the above CRL.R.C.

Counsel for the Petitioner: SRI Dr. M. P. KASHYAP

Counsel for the Respondent No.1: ASSISTANT PUBLIC PROSECUTOR

Counsel for the Respondent No.2: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE No.526 of 2022

ORDER :

Heard the submission of Sri M.P. Kashyap, learned counsel for the petitioner/Accused No.3 as well as the learned Assistant 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 III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, in C.C.No.280 of 2012, dated 19.07.2022.

3. Learned counsel for the petitioner submits that the petitioner is arrayed as Accused No.3 in the Calendar Case in question and the trial Court insisted personal appearance of the petitioner for each and every adjournment and the petitioner has to accompany his daughter for her admission into College and, therefore, exemption from appearance may be granted till 10th

October, 2022 by setting aside the impugned order dated 19.07.2022.

4. *Per contra*, the learned Assistant Public Prosecutor contends that the petitioner can invoke Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990.

5. Learned counsel for the petitioner submits that as his personal appearance is insisted by the trial Court, he did not invoke the said provision.

6. When there is dire necessity for the Accused to be present elsewhere and, therefore, cannot attend the trial Court and make personal appearance, the Courts are liable to consider the ground urged and apply a pragmatic approach. Therefore, this Court considers it desirable to dispose of the present Criminal Revision Case making such a direction.

7. Resultantly, this Criminal Revision Case is disposed of directing the Court of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, not to insist upon personal appearance of the petitioner/Accused No.3 in

C.C.No.280 of 2012 that is pending on the file of the said Court, in case the petitioner files an application either under Section 317/205 Cr.P.C. or under Rule 37 of the Criminal Rules of Practice and Circular Orders, 1990, by raising just and sufficient ground for exemption of personal appearance till 10th October, 2022.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**SD/-A.V.S.S.C.S.M.SARMA
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Banjara Hills Police Station, Hyderabad.
3. One CC to Dr. M. P. Kashyap, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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