

Santosh Kumar and Another Vs. State of M.P.

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Court : Madhya Pradesh

Decided On : Aug-28-2000

Reported in : 2001(4)MPHT184

Judge : Mr. S.C. Pandey, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 397 and 401

Appeal No. : Criminal Revision No. 1091/2000

Appellant : Santosh Kumar and Another

Respondent : State of M.P.

Advocate for Def. : Shri Ravindra Kumar Rajput, Panel Lawyer

Advocate for Pet/Ap. : Shri Deepak Okhade, Adv.

Judgement :

ORDER

S.C. Pandey, J.

1. With the consent of learned counsel for the parties this revision is disposed of finally.

2. Having heard learned counsel for the parties and after going through the record of the case, there appears to be no error in the impugned order dated 7-7-2000,

passed by Additional Sessions Judge, Sihora, in Sessions Trial No. 752 of 1995 because the accused persons remained absent even prior to date of the impugned order, on various dates and the case had to be adjourned on that dates without examination of the witnesses of the prosecution. It appears that on 14-8-2000 also the applicants did not appear before the Trial Court voluntarily.

3. It is stated by the learned counsel for the applicants that the applicant No. 1 Santosh Kumar has been arrested but not the applicant No. 2 Mulabai. Without making any comment as to the legality or propriety of the order passed by the learned Additional Sessions Judge, looking to the facts and circumstances of the case, this Court is of the view that the ends of justice shall be served if the applicant No. 1 Santosh Kumar be granted bail if he furnishes fresh personal bond and bail bond each in equal sum as may be directed by the Trial Court to its satisfaction. The purpose of issuance of non-bailable warrants of arrest against the applicants in this case appears to keep them present on the date of hearing so that the Trial Court proceed. It is, hereby, directed accordingly. So far as the applicant No. 2 Mulabai is concerned, the learned counsel for the applicants states that she has not yet been arrested and also she has not surrendered herself before the Trial Court so far after the date of impugned order. Under the facts and circumstances of the case and in the interest of justice it would be proper to direct the Additional Sessions Judge that in case, the applicant No. 2 Mulabai appears before the Court on 6th of September, 2000 or even before that date, then the Trial Court shall withdraw the order impugned dated 7-7-2000, so far as it relates to issuance of non-bailable warrant of arrest against the applicant No. 2 Mulabai and shall call the non-bailable warrant of arrest issued against the applicant No. 2, back unexecuted, if it has already been so issued. In the meanwhile, it is directed that the applicant No. 2 Mulabai shall not be arrested pursuant to the aforesaid non-bailable warrant of arrest issued against her by the impugned order.

4. In view of the aforesaid directions, this revision petition as well as M. (Cr.) P. No. 369/2000 are hereby disposed of accordingly.

5. C.C. as per rules.

