

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16474 of 2014

ORDER:

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This petition is filed under Section 482 Cr.P.C. challenging the orders dated 12.12.2014 vide CrI.M.P.No.3934 of 2014 in C.C.No.868 of 2010 on the file of the Chief Metropolitan Magistrate, Vijayawada, Krishna District.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

A perusal of the record reveals that the petitioner, who is accused No.1, is facing trial in C.C.No.868 of 2010 for the offence under Section 420 IPC. For one reason or other, the petitioner could not attend the Court on 03.12.2014. The trial Court having no other alternative, issued Non-bailable Warrant on 03.12.2014 against the petitioner.

While things stood thus, the petitioner herein filed CrI.M.P.No.3934 of 2014 seeking to recall the Non-bailable warrant issued against her on 03.12.2014. The trial Court after considering the material available on record dismissed the petition. It is not mentioned in the order that the petitioner has not been attending the Court regularly. While deciding this type of petitions, the Court has to take into consideration the ground realities as well as the hardship likely to be caused to the petitioner.

Having regard to the facts and circumstances of the case, I am of the view that it is a fit case to quash the orders dated 12.12.2014 in CrI.M.P.No.3934 of 2014 in C.C.No.868 of 2010 on the file of Chief Metropolitan Magistrate, Vijayawada, Krishna

District. Consequently, CrI.M.P.No.3934 of 2014 is allowed recalling the Non-bailable Warrant issued against the petitioner on 03.12.2014. If the petitioner fails to appear before the trial Court in future, the trial Court is at liberty to pass appropriate orders in accordance with law.

Accordingly, the Criminal Petition is allowed.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J
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31.12.2014

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