

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE MR JUSTICE M.S.RAMACHANDRA
RAO**

-

CRIMINAL PETITION No.3189 of 2015

Between:

Mumidi Rambabu

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep.by its Public Prosecutor,
High Court at Hyderabad and another

.....RESPONDENTS

The Court made the following:

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

CRIMINAL PETITION No.3189 of 2015

ORDER:

-
-
This criminal petition is filed under Section 482 Cr.P.C to recall the non-bailable warrant issued against the petitioner, who is Accused No.5 in CC No.137/2014 on the file of the Special Judicial First Class Magistrate for Prohibition and Excise, Kakinada, East Godavari District, wherein he along with others are alleged to have committed offences punishable under sections 417, 420, 468 and 471 IPC.

2. Counsel for the petitioner would contend that on 27.01.2015 the petitioner did not appear before the Court below but his absence was condoned on petition and the Court below had directed the petitioner to appear on 23.02.2015 without fail for examination. But the petitioner suffered from viral hepatitis and underwent treatment from 22.02.2015 to 28.03.2015 and therefore, he could not attend the Court on 23.02.2015 as directed because of which the Court below directed to issue non-bailable warrant against him. He contends that non-appearance of the petitioner is only on account of illness and therefore, the Court below be directed to withdraw the non-bailable warrant issued against the petitioner.

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

4. Since the absence of the petitioner on 23.02.2015 appears to be on account of illness, in support of which, a medical certificate from a Deputy Civil Surgeon, Community Health Centre, Pedapudi, East Godavari District has been filed before this Court, this Criminal Petition is disposed of, directing the petitioner to appear before the Court below on the next date of hearing without fail, and if the petitioner so appears,

the Court below shall recall the non-bailable warrant issued against him, if not, this Criminal Petition shall stand dismissed. The Court below is also directed to keep in mind the order dated 20.10.2014 in CrI.P.No.12921/2014, wherein this Court had directed it to direct the appearance of the petitioner only if his presence is considered necessary.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

M.S.RAMACHANDRA RAO,J

Date: 22.04.2015

Dsr