

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

Criminal Revision Case No.1568 of 2015

Between :-
Nayana Durga Venkata Prasad @ Timothy and
others.

.. Petitioners

And

The State of Telangana
Rep.by Public Prosecutor, through SHO,
Musheerabad Police Station and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

- | | |
|---|--------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CrI.R.C.No.1568 of 2015

ORDER

This Revision is directed against the orders of XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad in CrI.M.P.No.4160 of 2015 in C.C.No.250 of 2012, dated 29-07-2015.

The petitioners herein are A-1 to A-4. The C.C. appears to have been posted on 03-07-2015 for examination of the petitioners/accused. On that day, the petitioners/accused failed to appear before the Court below. Consequently, arrest warrants were issued against the petitioners and when the petitioners filed petition to recall the warrants contending that by oversight, the learned counsel appearing for the petitioners/accused in the Court below have informed the date of appearance as 23-07-2015 instead of 03-07-2015. Therefore, they could not appear on 03-07-2015, which resulted in issuance of warrants.

Learned counsel appearing for the petitioners submits that except on one date of hearing, the petitioners have been regularly appearing before the Court below. Due to oversight only, they could not appear on 03-07-2015 and warrants were issued, which the Court below failed to recall on being sought for.

In view of the circumstances stated above and since the issue is matrimonial dispute alleging harassment and demand of dowry against the petitioners, I feel that the arrest warrants need to be recalled. But, however, on a condition that the petitioners/accused shall appear before the Court below and make an application under Section 70(2) Cr.P.C. which the learned Magistrate is directed to dispose of the same on the same day by cancelling the warrants.

Accordingly, the Criminal Revision is disposed of. Miscellaneous petitions, if any, pending in this Revision shall stand closed.

06-08-2015
nvl

M.S.K.JAISWAL, J