

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 127 of 2015

JUDGMENT:-

Aggrieved by an order dated 08.01.2015 passed in C.C.No.6 of 2015 on the file of Principal Junior Civil Judge at Mancherial, the petitioner/accused preferred the present Criminal Revision Case under Sections 397 and 401 Cr.P.C.

The facts in issue are as under:

The 2nd respondent herein filed a private complaint against the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act. The said complaint was taken on file as C.C.No.619 of 2012 (new C.C.No.6 of 2015) on the file of Principal Junior Civil Judge at Mancherial. Pending the said proceedings, both the parties settled their dispute. On 08.01.2015 when the matter was taken up for hearing, the learned counsel for the 2nd respondent requested time to file an application to withdraw the complaint and, accordingly, the matter was kept aside. At 4.10 p.m. when the matter was again called, neither the 2nd respondent nor the petitioner were present. Hence, the trial Court issued non-bailable warrants against the petitioner and also issued notice to the sureties returnable by 20.02.2015. Challenging the same, the present revision is preferred.

Learned counsel for the petitioner and the learned counsel for the 2nd respondent submit that the parties have settled their dispute and the 2nd respondent is not interested in pursuing the

matter. According to him, the respondent has filed an application before the trial Court seeking withdrawal of the complaint. The material on record show that the counsel has orally brought to the notice of the court, the compromise arrived at between the parties, but due to absence N.B.Ws came to be issued at 4.10 p.m. In view of the above and having regard to the facts and circumstances of the case, the order issuing N.B.Ws. is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed and the order dated 08.01.2015 passed in C.C.No.6 of 2015 on the file of Principal Junior Civil Judge at Mancherial, is hereby set aside.

Consequently, miscellaneous petitions, if any, pending in the criminal revision case shall also stand dismissed.

C. PRAVEEN KUMAR, J

18th February, 2015
cbs

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