

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5898 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/ accused in C.C No.214 of 2013 where he was convicted for the offence under Section 138 N.I Act and preferred the Crl.A.No.344 of 2015 pending on the file of the VII Additional District and Sessions Judge, Ranga Reddy District at L.B Nagar. He obtained the order of suspension of sentence in Crl.A.M.P. No.320 of 2015 in Crl.A. No.344 of 2015 dated 12.05.2015 subject to execution of bond for Rs.10,000/- with two sureties of like sum each and also to deposit Rs.7,50,000/- before the learned Special Judicial Magistrate Court-II, Rajendranagar, R.R District within a period of one month i.e., before 12.06.2015.

It is the submission of the petitioner that he could not attend the Court on the date of hearing of appeal and could not comply the order within the time stipulated and therefrom NBWs issued for his absence by the trial Court, which is pending and he could not there from even there to appear before the Court to file an application for extension of time for complying with the conditional order.

Heard learned counsel for 1st respondent—State rep. by public prosecutor before admission and before ordering notice to 2nd respondent and perused the material on record.

As the petitioner wants to comply the order subject to extension of time, the Criminal Petition is allowed before admission granting time to deposit the amount on or before 20.07.2015 and appear before the learned trial Court and file application for recall of warrant under Section 70 (1) Cr.P.C. In such event, the learned Magistrate shall hear and recall the warrant as laid down by the Apex Court in ***Bani Singh vs State of UP***^[1], that in a Criminal appeal, appearance of the accused is not mandatory but for the Court to decide the appeal on merits from hearing of the advocates.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.07.07.2015
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Date: 07.07.2015

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