

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1702 OF 2015

ORDER:

This Criminal Revision Case is filed aggrieved over the issuance of Non Bailable Warrants against the petitioners – Accused Nos.1 and 2 by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, through order, dated 18.08.2015, in CC No.8 of 2015.

Heard and perused the material available on record.

The petitioners are the accused Nos.1 and 2 in CC No.8 of 2015 on the file of the XI Additional Chief Metropolitan Magistrate, Secundeabad, for the offence under Section 138 of the Negotiable Instruments Act. The case of the petitioners is that they filed Crl.P.No.7422 of 2015, before this Court seeking to quash the proceedings in the above said CC. This Court disposed of the Crl.P.No.7422 of 2015 through its order 04.08.2015, giving liberty to the petitioner to file an application before the Court below under Section 205 of Cr.P.C. or Rule 37 of Criminal Rules of Practice for dispensing with their presence in CC No.8 of 2015. The petitioners filed a memo before the Court below seeking to adjourn the matter for a period of one week, as the copy of the order in the Criminal Petition was not dispatched to them by that date. The Court below without considering the said memo, issued NBWs against the petitioners. Aggrieved over the same, the present revision is filed.

Having heard the arguments of both the learned counsel and also having regard to the facts and circumstances of the case, this Court is inclined to pass the following order:

The petitioners are directed to file an application before the Court concerned to recall the NBWs issued against them and on filing of such application, the Court concerned is directed to recall the NBWs

issued against the petitioners, on the same day. The presence of the petitioners is dispensed with before the Court concerned, in future dates of hearing, except on the dates on which the Court concerned insisted for their presence.

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

RAJA ELANGO, J

August 24, 2015.
KTL