

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

Criminal Petition No. 6244 of 2015

Order:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner/accused, seeking to quash the docket order, dated 12.11.2014, passed in C.C. No. 86 of 2013 by the learned Judicial Magistrate of First Class, Nandyal, whereby and whereunder NBW was ordered to be issued against the petitioner/accused.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

3. A perusal of the record would show that since the accused was called absent on 12.11.2014, NBW was ordered to be issued against him. It is submitted by the learned counsel for the petitioner/accused that on the said date even the *de facto* complainant was also absent. But, as seen from the impugned order, on behalf the *de facto* complainant a petition was filed and the same was allowed by the Court below. However, no application has been filed on behalf of the petitioner/accused for his absence and the costs imposed on previous occasion were also not paid, hence NBW was ordered to be issued against him. Admittedly, no petition has been filed by the petitioner/accused before the Court below to recall the NBW and he straightaway approached this Court and filed the present petition. In the circumstances, I am of the considered view that the petition may be dismissed with a liberty to the petitioner to file appropriate application before the learned Magistrate for recalling of the NBW issued against him.

4. Accordingly, the Criminal Petition is dismissed granting liberty to

the petitioner/accused to file appropriate application before the learned Magistrate for recalling of the NBW issued against him and, on filing such application, the learned Judicial Magistrate of First Class, Nandyal, shall dispose of the same on the same day in accordance with law.

5. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 14.07.2015

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