

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.189 of 2015

ORDER:

The petitioner/A.3 challenges the order dated 06.01.2015 in CrI.M.P.No.15 of 2015 in C.C.No.758 of 2013 passed by the learned First Special Magistrate, Hyderabad whereunder the learned Magistrate dismissed the petition filed under Section 70(2) Cr.P.C. by the petitioner.

The submission of learned counsel for petitioner is that because of ill-health of the petitioner, who is a lady, she could not attend the Court and hence NBW was issued and petition filed in CrI.M.P.No.15 of 2015 for recall of NBW and was dismissed and if the said petition is not set aside and petitioner is not given an opportunity to prosecute the matter she would be put to great hardship.

Considering the same, this Criminal Petition is allowed and the impugned order dated 06.01.2015 passed by the First Special Magistrate, Hyderabad in CrI.M.P.No.15 of 2015 is set aside and petitioner is directed to appear before the learned Magistrate on the next date of hearing and on such appearance the magistrate shall recall the NBW.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 27.01.2015

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