

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL REVIVISION CASE No.1447 of 2015

Between:

Banka Venkata Udaya Bhaskar .. Petitioner

And

The State of Andhra Pradesh,
Represented by its Public
Prosecutor, High Court at
Judicature at Hyderabad through
Station House Officer, B.N.Kandria,
Chittoor District and another .. Respondents

DATE OF JUDGMENT PRONOUNCED:07.08.2015

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SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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

CRIMINAL REVISION CASE No.1447 of 2015

ORDER:

This Criminal Revision Case is filed, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, by the petitioner/accused against the order, dated 27.01.2015, passed in CrI.M.P.No.64 of 2015 in S.T.C.No.52 of 2007 by the Additional Judicial First Class Magistrate, Srikalahasti, Chittoor District.

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

3. A perusal of the record would show that even though summons were served on the petitioner, he failed to appear before the Court on 26.12.2014 and, hence, NBW was issued against him. Therefore, the petitioner filed the said CrI.M.P. to recall the NBW issued against him. However, the learned Magistrate dismissed the said petition through impugned order stating that there are no valid grounds to recall the NBW.

4. The petitioner submitted that due to ill health, he was unable to move from the bed and therefore he could not appear before the Court on the said date of adjournment.

5. Having regard to the facts and circumstances of the case, the Criminal Revision Case is disposed of directing the petitioner to appear before the Magistrate concerned and file an application afresh

to recall the NBW issued against him and, on filing such application by the petitioner, the learned Magistrate is directed to consider the same and recall the NBW on certain terms as he thinks fit and proper under the circumstances of the case.

6. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

07.08.2015

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