

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.798 of 2015

ORDER:

This revision is preferred challenging the order dated 10-07-2014 passed by the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar in CrI.M.P. No.1719 of 2014 in C.C. No.838 of 2013, wherein the learned Metropolitan Magistrate dismissed the petition filed by the petitioner invoking the provisions under Section 70 (2) of Cr.P.C.

The said petition was dismissed by the learned Metropolitan Magistrate on the ground that the petitioner is not present before the Court for the disposal of the case.

This Court is of the view that when a person is not in a position to appear before the Court due to bad health, the warrant can be recalled in the absence of the petitioner concerned.

Hence, the order dated 10-07-2014 passed by the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar in CrI.M.P. No.1719 of 2014 in C.C. No.838 of 2013 is set aside and warrant issued against the petitioner is hereby recalled.

Accordingly, the Criminal Revision Case is allowed. Consequently, the Miscellaneous Petitions pending, if any, in this revision shall stand closed.

RAJA ELANGO, J.

05th June, 2015

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