

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

CRIMINAL PETITION No.7410 of 2015

Between:

Md.Nayeemuddin @ Nayeem

... Petitioner

and

The State of Telangana, rep. by its Public Prosecutor.

... Respondent

DATE OF JUDGEMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? 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

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7410 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to recall the Non bailable warrant issued against the petitioner in C.C. No.19 of 2015 on the file of VII Special Magistrate, Miyapur which is the outcome of a case in Crime No.277 of 2011 registered against the petitioner and others for the offences punishable under Sections 447, 323 and 506 I.P.C.

2) Heard the learned counsel for the petitioner and the respondent-State represented by the Public Prosecutor before admission.

3) The learned trial Magistrate issued N.B.W for the absence of the petitioner/accused No.2 with no proper representation rightly. Further, in filing application for recall without presence by placing reliance upon the expression of this Court in ***Shaik Yousuf V. State of A.P.***^[1] made an attempt by the petitioner for recall of said warrant. The learned Magistrate by assigning reasons rightly dismissed the application. It is impugning the same, the present petition is filed.

4) As the progress of the case is stalled and the accused is in abscondence because of N.B.W is pending with apprehension of arrest, because warrants not recalled,

ends of Justice would not be done unless N.B.W is recalled by directing the petitioner to appear before the learned Magistrate.

5) Accordingly, the petitioner is hereby directed to file a fresh application before the learned Magistrate to recall the N.B.W with personal appearance and in such an event the learned Magistrate shall recall with necessary conditions and if necessary by taking fresh bond under Section 88 of Cr.P.C.

6) With the above directions, the petition is allowed. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.11th August, 2015
KSH

[\[1\]](#) 2001(2) ALT (CrI.) 270 (AP)