

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

Crl.P.No.4526 of 2015

ORDER

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This criminal petition under Section 482 Cr.P.C., is filed by the petitioners/A1, A2 and A4, seeking to quash the order dated 08.04.2015 in Crl.M.P.No.809 of 2015 in C.C.No.527 of 2007 on the file of III Additional Judicial Magistrate of First Class, Rajahmundry and consequently to recall NBWs issued against them.

2. The first respondent/de facto complainant filed a complaint against the petitioners and another and the same was registered as C.C.No.527 of 2007 for the offences punishable under Sections 500, 501 and 502 read with Section 34 IPC. In the said case, trial was completed and posted the case on 23.02.2015 for examination of accused under Section 313 Cr.P.C., on which date, the petitioners were absent due to ill-health. Even though they filed a petition u/s.317 Cr.P.C. for dispensing with their presence, the trial Court dismissed the same and issued NBWs against them. The petition filed by them seeking to recall the NBWs pending against them was dismissed by the impugned order. Hence, they filed the present criminal petition.

3. Heard learned counsel for the petitioners and learned Public Prosecutor for the State.

4. Having regard to the facts and circumstances of the case and keeping in view the old age of the petitioners, I deem it appropriate to dispose of the Criminal Petition, directing the petitioners to appear before the trial Court and make an application for recalling of NBWs pending against them. On filing such an application, the trial Court shall recall the warrants on the same day.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL, J

12th June, 2015

sj