

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1748 of 2016

ORDER:

This revision is preferred challenging the docket order dated 14.06.2016 passed in DDR No.3979 of 2016 in C.C. No.663 of 2011 by the IV Additional Chief Metropolitan Magistrate, Visakhapatnam, wherein the learned Magistrate rejected the application filed by the petitioner – accused to recall the N.B.W. issued against her on 26.07.2013.

Heard and perused the material available on record.

The de facto complainant filed a complaint against the petitioner before the Court of the Additional Chief Metropolitan Magistrate in CC No.663 of 2011 for the offence punishable under Section 138 of the Negotiable Instruments Act. The Court below issued summons against the petitioner but, the petitioner did not appear. Hence, the Court below ordered for issuance of NBW on 26.07.2013 against the petitioner. Thereafter, the petitioner filed an application before the Court below to recall the NBW. The learned Magistrate returned the said application by the docket order impugned.

Learned counsel for the petitioner submitted before this Court that the petitioner is a Doctor and she is practising in Hyderabad and that the summons were sent to the address, where the petitioner is not residing and hence, she has no knowledge about filing of the above case against her and therefore, she could not appear before the Court below. He further submitted that after coming to know about pendency of NBW against her, she filed the impugned application before the Court below but, the Court below rejected the said application on the ground of non-appearance of the petitioner before the Court and that the case is posted on 12.08.2016, and hence, the NBW pending against the petitioner may be recalled.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that the revision can be disposed of with the following directions:

The petitioner - accused is directed to surrender before the Court concerned and file a petition to recall the warrant pending against her and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum and further, the petitioner is directed to appear before the trial Court regularly on all hearing dates.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 05, 2016

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