

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No. 12301 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the docket order dated 10.06.2016 passed by the learned Special Magistrate, Nandyal, in CrI.M.P.No.160 of 2015 in M.C.No.45 of 2012.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

A perusal of the record reveals that the 2nd respondent filed a petition in CrI.M.P.No.160 of 2015 in M.C.No.45 of 2012 seeking arrest, detention of the petitioner and for recovery of arrears of maintenance. On the date of hearing, the petitioner filed a petition under Section 126(2) Cr.P.C. for condonation of his absence. On 10.06.2016, on the ground that there are no grounds to allow the said petition, the learned Magistrate dismissed the same and issued N.B.W. against the petitioner.

The learned counsel for the petitioner submits that though the petitioner filed a petition for condonation of his absence, without taking the same into consideration, the learned Magistrate issued NBW against him. Therefore, seeks an opportunity to appear before

the Court below and get the warrant recalled. He further submits that the petitioner will appear promptly before the Court below hereinafter.

Having regard to the facts and circumstances of the case, the Criminal Petition is disposed of directing the petitioner to appear before the Magistrate concerned within a period of thirty days from today and file an application to recall the NBW pending against him. On such appearance and filing of the application, the trial Court is directed to recall the warrant, pending against the petitioner, on the same day, on condition of his depositing a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of the maintenance case, in default, the warrant shall be in existence.

Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

28th September, 2016

Note: Furnish C.C. by tomorrow.

(b/o)
cbs

JUSTICE M.S.K.JAISWAL

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL



Criminal Petition No. 12301 of 2016

28th September, 2016

cbs

