

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15315 OF 2016

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the docket order dated 23.09.2016, in which N.B.W was issued against the petitioner in C.C.No.647 of 2015 on the file of VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District.

It is brought to the notice of this Court that in this case the records were tampered and an enquiry was initiated against the concerned employees.

The trial Court returned the petition filed under Section 70 (2) of Cr.P.C. on behalf of the petitioner/accused by raising the following objections:

- (1) The advocate on record signature not tallying and there is no provision to sign by the other counsel for the advocate on record.
- (2) Notice shall be given to other side.

As seen from the record, it is clear that Sri S.Srinivas Rao, advocate, signed on the petition filed under Section 70 (2) of Cr.P.C., who holds no memo of appearance in the above cases. Therefore, the VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District raised such objections and there is any amount of justification for doing so.

However, Sri B.V.Rama Rao, learned counsel for the petitioner, seeks permission of the Court to move appropriate

application before the Court concerned for recall of N.B.W.

In view of the facts and circumstances of the case, the petitioner is permitted to move appropriate application before the Court concerned for recall of N.B.Ws and on appearance of the petitioner, the Judicial First Class Magistrate concerned is directed to decide the matter on the same day itself.

With the above directions, the petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

Date:27.10.2016
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JUSTICE M. SATYANARAYANA MURTHY