

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1830 OF 2016

ORDER:

This criminal revision case under Sections 397 and 401 of the Code of Criminal Procedure is filed by the petitioner/accused seeking to set aside the docket order, dated 30.06.2016 passed in C.C.No.142 of 2016 on the file of the Court of the

III Special Magistrate, Visakhapatnam, whereby the learned Judge issued Non Bailable Warrant (NBW) against the petitioner/accused.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner/accused submits the complainant did not send the summons to the original address of the petitioner and that he got managed the postal people and obtained endorsement of his choice and as such, the petitioner could not appear before the Court below. He further submits that the absence of the petitioner before the Court below is neither willful nor wanton. Hence, he prays this Court to recall the NBW issued against the petitioner/accused.

In view of the facts and circumstances, the petitioner/accused is directed to appear before the Court below on or before 18.08.2016 and file an application for recalling NBWs issued against him, and on filing of such application, the Court below is directed to recall the NBWs issued against the petitioner/accused on the same day on condition of his executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the said Magistrate. The petitioner is directed to represent the case before the Court below on all hearing dates through his counsel.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

14.07.2016

pln