

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15597 OF 2016

ORDER:

This criminal petition, under Section 482 Cr.P.C., is filed seeking a direction to the I Additional Chief Metropolitan Magistrate, Visakhapatnam, to recall NBW issued against the petitioners, in the light of orders dated 27.01.2011 in CrI.R.P. No.28 of 2010 dated 27.01.2011 passed by the IX Additional Sessions Judge, (FTC), Visakhapatnam.

It is the contention of the petitioners that they filed a petition to recall of NBW under Section 70(2) Cr.P.C., but the court did not pass any order on the application, but returned as to how the petition is maintainable.

In those circumstances, the course open to the petitioners is to re-present, if it is maintainable, within the time specified by the trial court, and on such representation, the learned Magistrate is directed to decide the application in accordance with law, or file fresh application under Section 70(2) Cr.P.C. to recall the warrant, after due notice to the respondent. On appearance, the learned Magistrate is directed to pass appropriate order, in accordance with law, on the same day.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 02.11.2016
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