

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2794 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., challenging the docket order dated 19.08.2016 passed in CrI.M.P.no.3402 of 2016 in CC No.253 of 2007 on the file of the Additional Judicial Magistrate of First Class, Gudur.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, representing the State of Andhra Pradesh.

3. A perusal of the record reveals that the petitioner/ A.2 is facing trial in CC No.253 of 2007 on the file of the Additional judicial Magistrate of I Class, Gudur. The trial court issued non-bailable warrant against the petitioner on 03.06.2016. Then, the petitioner filed CrI.M.P.No.3402 of 2016 under Section 70(2) Cr.P.C. to recall the warrant issued against him and the same was dismissed.

4. Learned counsel for the petitioner submitted that the petitioner could not attend the court on 03.06.2016 due to ill-health. He also filed medical certificate to that effect. A perusal of the medical certificate reveals that the petitioner was advised bed rest from 01.06.2016 to 10.06.2016. It appears that due to ill-health, the petitioner could not attend the court on 03.06.2016. While disposing of this type of petitions, the approach of the court shall be pragmatic and not pedantic.

5. Having regard to the facts and circumstances of the case, I am inclined to set aside the docket order dated 19.08.2016 passed in CrI.M.P.No.3402 of 2016 in CC No.253 of 2007 on the file of the Additional Judicial Magistrate of I Class, Gudur. Consequently, CrI.M.P.No.3402 of

2016 is allowed and NBW issued against the petitioner is recalled. If the petitioner/ A.2 fails to appear before the trial court in future, the trial court is at liberty to take appropriate action against the petitioner in accordance with law.

6. The criminal revision case is, accordingly, allowed. Miscellaneous petitions, if any pending in this case, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 08.11.2016
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