

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.394 of 2016

ORDER:

This revision is preferred challenging the docket order dated 18.01.2016 passed in CrI.R.P. No. No.49 of 2015, in C.C. No.381 of 2007 on the file of Special Judicial Magistrate (Prohibition & Excise), Khammam, by the Judge, Family Court-cum-Additional Sessions Judge, Khammam, wherein the Sessions Judge allowed the petition filed by the 2nd respondent - complainant, under Section 397 Cr.P.C.

The brief facts of the case are that the 2nd respondent filed a complaint against the petitioner in CC No.381 of 2007. As the petitioner did not appear before the Court, NBW was issued against him. On 02.02.2012, the trial Court dismissed the said complaint for default, since the 2nd respondent – complainant was not showing any interest in prosecuting the matter and acquitted the petitioner. Aggrieved by the same, the 2nd respondent filed the impugned application before the Family Court – cum – Additional Sessions Judge, Khammam, to set aside the default order and the learned Sessions Judge allowed the said application. Aggrieved by the said order, the present revision case is filed by the petitioner – accused.

After arguing for some time, the learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of recalling the NBWs issued by the trial Court against the petitioner, on the earlier occasion since the CC is restored to file.

In view of the above, this Court is of the view that the revision can be disposed of with the following directions:

The petitioner-accused is directed to appear before the Court concerned and file a petition to recall the warrant issued against him and on such petition being filed, the trial Court is directed to recall the warrant on the same day on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum, and to proceed in accordance with law.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the Miscellaneous Petitions pending, if any, in this revision shall stand closed.

RAJA ELANGO, J

February 04, 2016

KTL