

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1710 of 2016

ORDER:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C., is filed by the petitioner-accused, seeking to set aside order, dated 25.05.2016 passed in CrI.M.P. No.1789 of 2016 in CC No.238 of 2013 by the XI Special Magistrate, Hyderabad and consequently, recall the NBW pending against him.

Heard and perused the material available on record.

The petitioner is A1 in CC No.238 of 2013. The 1st respondent – de facto complainant filed the above CC against the petitioner and another for the offence punishable under Section 138 of the Negotiable Instruments Act. Since the petitioner did not appear, the Court below issued NBW against him. Thereafter, the petitioner filed the impugned application to recall the NBW, stating that due to jaundice he could not attend before the Court below. The Court below vide order impugned dismissed the said application. Against the said order, the present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and since he is suffering with jaundice, he was advised bed rest and therefore, he could not attend before the Court below, but the Court below without considering the reason for non-appearance of the petitioner, dismissed the application of the petitioner for recalling the warrant pending against him and that the petitioner is ready to appear before the Court below.

Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to surrender before the Court concerned, and file an application for recalling the NBW pending against him and on filing of such application, the Court concerned is directed to recall the NBW on the same day, on petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to its satisfaction. Further, the petitioner is directed to appear before the Court below regularly on all hearing dates.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

RAJA ELANGO, J

June 30, 2016.

KTL