

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16360 OF 2016

ORDER:

This petition is filed under Section 482 of Cr.P.C. seeking limited relief to direct the V Additional Chief Metropolitan Magistrate, Vijayawada to receive the petition filed under Section 70 (2) of Cr.P.C. to recall N.B.W. issued against the petitioner-accused on 6-9-2016 in C.C.No.546 of 2016.

Petitioner herein is accused.

It is alleged that the petitioner filed petition under Section 70(2) Cr.P.C. without prior notice to the complainant to recall warrant dated 6-9-2016 and the trial court returned the said application directing to serve notice on the complainant, but the notice could not be served on the complainant within the time fixed by the trial court. It is submitted by the learned counsel for the petitioner that now the notice was served on the complainant. But this court cannot issue such direction on that ground.

However, leave is granted to the petitioner-accused to file fresh application under Section 70 (2) of Cr.P.C. before the trial court and on filing such application before the trial court, after service of notice on the complainant, the trial court is directed to decide the application on the same day itself in accordance with law.

With the above observation, this Criminal petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 28-11-2016.

Dvs.



HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 28-11-2016.

Dvs