

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.11558 of 2016

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused seeking to quash the C.C.No.491 of 2013 on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam for the offence under Section 66-C of Information Technology Act, 2000.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

On a perusal of the charge sheet, this Court is of the view that truth or otherwise of the allegations made against the petitioner can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

It is submitted that due to the non-appearance of petitioner on one date of hearing, the trial Court issued Non-bailable warrant. If that be so, the petitioner is permitted to approach the trial Court and file an application under Section 70(2) of Cr.P.C. for recalling the warrant, which shall be disposed of by the learned Magistrate on the same day and thereafter, to proceed with the trial and dispose of C.C.No.491 of 2013 positively within a period of three months from the date of receipt of the copy of this order, without insisting for the presence of petitioner for each and every adjournment, unless it feels that his physical presence is necessary for any specific purpose.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

M.S.K.JAISWAL, J

8th August 2016

ajr

