

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

CRIMINAL PETITION No.13659 of 2016

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to recall the order dated 06.09.2016 passed in CrI.P.No.2129 of 2016 in C.C.No.586 of 2015 by the Additional Judicial First Class Magistrate, Kovur.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

Learned counsel for the petitioner submitted that the allegations leveled against the petitioner are omnibus and he has been implicated solely for the purpose of bringing pressure on the petitioner to pay the cheque amount and that the absence of the petitioner on 28.07.2016 is neither willful nor wanton and that the petitioner is working as Government teacher, as such the question of tampering the conditions of the bail does not arise. Hence, NBW may be recalled.

In the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, and having perused the material available on record, the criminal petition is disposed of directing the petitioner – accused to approach the committal court and file a petition under Section 70(2) of Cr.P.C. to recall warrant issued against him within a period of one month from today and on such petition being filed, the Additional Judicial Magistrate of

First Class, Kovvur, Nellore District, shall dispose of the said petition on the same day on which it is filed on reasonable terms, in accordance with law. Till such time, the warrant shall not be executed.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

M.S.K.JAISWAL,J

Date: 29.09.2016
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