

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2924 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., challenging the docket order dated 19.10.2016 passed in CC No.363 of 2015 on the file of the III Additional Judicial Magistrate of I Class, Kakinada.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent-State (AP).

3. A perusal of the record reveals that the petitioner is facing trial in CC No.363 of 2015 on the file of the III Additional Judicial Magistrate of I Class, Kakinada, for the offence punishable under Section 138 of the Negotiable Instruments Act. The trial court issued non-bailable warrant against the petitioner on 06.10.2016. On 19.10.2016 the petitioner filed a petition under Section 70(2) Cr.P.C. with a prayer to recall NBW issued against him. On 19.10.2016, the trial court passed the following order:

“Heard counsel for petitioner/accused. Petition is returned with a direction to petition to file the same along with sureties.”

4. The above impugned order reveals that the trial court returned the petition to file the same along with sureties. At the time of filing of the petition, the court is not supposed to ask to file the petition along with sureties.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the docket order of the trial court dated 19.10.2016.

6. In the result, the criminal petition is allowed, setting aside the docket order dated 19.10.2016 and the trial court is directed to dispose of the application, if any filed by the petitioner under Section 70(2) Cr.P.C. on the same day, in accordance with law. Miscellaneous petitions, if any pending in this case, shall stand closed.

Date: 17.11.2016
BSS

T. SUNIL CHOWDARY, J



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Date: 17.11.2016

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