

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1287 OF 2016

ORDER:

The criminal revision case is filed by the petitioner/accused seeking to set aside the order dated 11.03.2016 passed in CrI.M.P.No.1001 of 2016 in CrI.M.P.No.3425 of 2015 by the Court of the VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, whereby the learned trial Judge dismissed the petition filed by the petitioner seeking to recall the Non Bailable Warrants (NBWs) issued against him.

Heard and perused the material.

Learned counsel for the petitioner submits that the Court below issued Non Bailable Warrants (NBWs) against the petitioner for his absence before the Court below and that the Court below erroneously dismissed the petition filed by the petitioner seeking to recall the NBWs issued against him. He further submits that the absence of the petitioner herein before the Court below is neither wilful nor wanton. Hence, the learned counsel prays this Court to recall the NBWs issued against the petitioner.

On perusing the order impugned, this Court is of the view that the Court below issued notices to the petitioner number of times to appear before the Court and in spite of the same, the petitioner did not chose to appear personally. Further, the leaned counsel appearing on behalf of the petitioner before the lower Court submitted that the petitioner was unable to attend the Court as he has been suffering from ill-health and that the learned Judge observed that the petitioner did not file any medical certificate showing that the petitioner is not in a position to attend the Court. Further, the learned Judge also observed that the NBWs issued against the petitioner would be recalled if the petitioner chooses to appear before the Court personally. Hence, the petitioner is directed to appear before the Court below personally and file an application for recalling NBWs issued against him.

The criminal revision case is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

02.06.2016
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