

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.15302 of 2016

ORDER

This petition is filed under Section 482 Cr.P.C., seeking to recall the non-bailable warrant issued against the petitioner on 21.12.2015 in C.C.No.240 of 2015 on the file of VI Special Magistrate, Erramangil, Hyderabad, registered for the offence punishable under Section 138 of Negotiable Instruments Act, 1881.

2. As seen from the averments in the petition, the petitioner stated that he is aged about 72 years and is suffering from old age ailments and that on 21.12.2015, he was absent before the trial Court due to ill-health. He also produced the medical certificate.

3. The petitioner instead of invoking the jurisdiction of the Court under Section 70(2) Cr.P.C. straightaway filed the present petition under Section 482 Cr.P.C., which is nothing but an abuse of process of the Court. However, taking into consideration the old age ailments of petitioner, I deem it appropriate to direct the petitioner to appear before the trial Court and move an application under Section 70(2) Cr.P.C., after issuing notice to the Public Prosecutor, and on filing such application, the trial Court is directed to dispose of the same on the same day.

4. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTY, J

27th October, 2016
sj