

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16876 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the Docket Order dated 04.12.2015 in CrI.M.P.No.331 of 2015 in C.C. No.890 of 2009 passed by the VI Additional District Judge, Visakhapatnam,

The case was registered in the year 2009. On 04.12.2015 when the matter was posted for the examination of the petitioner and another, but did not appear before the court and filed a petition under Section 317 of Cr.P.C. on the pretext that they are out of station and the court also observed that the petitioner and another was absent for the last seven adjournments without allowing the Court to proceed further in the C.C. Having no other alternative, the court issued N.B.W.

The present petition is filed raising several contentions mainly challenged the order on the ground that when the petitioner and another were out of station, their presence cannot be insisted. Moreover, at the end of argument, he requested to fix a date for the appearance of petitioner and to pass appropriate order on the application to be filed by the petitioner under Section 70(2) of Cr.P.C. on the same day.

Acceding to the request made by the counsel for the petitioner, without adverting to the merits of the case, I deem it appropriate to issue a direction to the VI Additional District Judge, Visakhapatnam, to decide the application filed by the

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petitioner under Section 70(2) of Cr.P.C., after issuance of due notice to the respondent i.e. Public Prosecutor and on the appearance of the petitioner.

Accordingly, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 19.12.2016
BV

