

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2392 OF 2016

ORDER:

The present Criminal Revision Case is filed against an order dated 30.08.2016 passed in CrI.M.P. No.1398 of 2016 in C.C. No.125 of 2016 on the file of the learned III Special Magistrate, Hyderabad, wherein the application filed by the petitioners under Section 70 (2) Cr.P.C. for recall of Non-bailable warrant, was dismissed.

2. The learned counsel for the petitioners submits that the 2nd petitioner was held up in Srikakulam and as such he could not attend the Court on 19.07.2016. He further submits that though he sent vakalat, it could not be filed due to strike by the advocates, and a petition to dispense with his presence also could not be filed in view of the strike. Hence, submits that absence on that day was not wilful or intentional, and as such prays to recall the Non-bailable warrant.

3. The offence alleged against the petitioners is punishable under Section 138 of the Negotiable Instruments Act, 1881. Having regard to the circumstances of the case, the petitioners are directed to appear before the trial Court either on the next date of adjournment of the case or within 2 weeks from today, whichever is earlier, and file an application for recall of warrant, in which event, the learned Magistrate shall recall the same on such terms as he deems fit and proper.

4. Accordingly, the Criminal Revision Case is allowed.

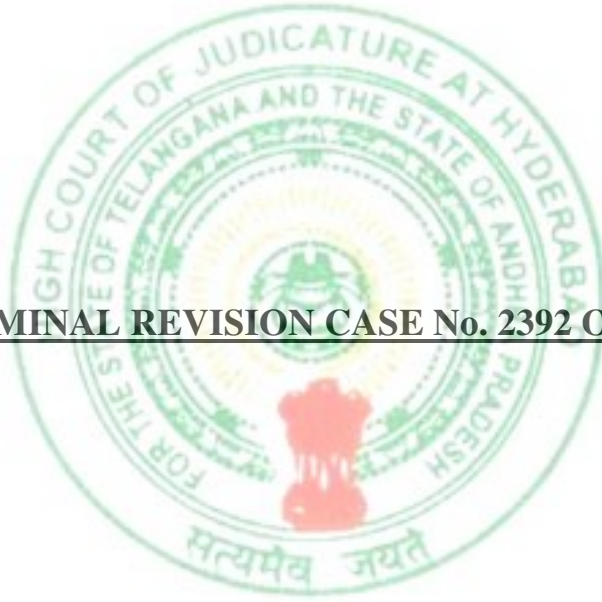
As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21.09.2016
DRK

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