

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CrI.R.C. No.3067 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., challenging the docket order dated 26.10.2016 passed in CC No.270 of 2011 by the IV Metropolitan Magistrate, Bheemunipatnam, Visakhapatnam.

Heard the learned counsel for the petitioner/A.1 and the learned Public Prosecutor, representing the State of Andhra Pradesh.

A perusal of the record reveals that the petitioner, who is A.1, facing trial in CC No.270 of 2011 for the offences punishable under Sections 21(1) & 22 of Mines and Minerals (Development and Regulation) Act, 1957. For one reason or the other, the petitioner could not attend the court on 26.10.2016. Then, the trial court issued NBW against the petitioner. The record further reveals that the petitioner filed the present petition, without filing recall petition before the trial court. The court, which issued NBW alone, is entitled to recall the warrant. Learned counsel for the petitioner submitted that the petitioner is aged 70 years and suffering with ailments.

Taking into consideration of the facts and circumstances of the case, the petitioner is permitted to file petition under Section 70(2) of Cr.P.C. before the trial court to recall the warrant issued against him on 26.10.2016. If such petition is filed by the petitioner, the trial court is directed to dispose of the same on the same day, in accordance with law, by taking into consideration of the age and medical condition of the petitioner.

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

Date: 02.12.2016.
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T. SUNIL CHOWDARY, J



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