

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTY

Crl.P.No.14739 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 17.11.2015 in C.C.No.104 of 2014 on the file of Additional Judicial First Class Magistrate, Avanigadda, Krishna District.

2. It is the case of petitioner that he is arrayed as A3 in C.C.No.104 of 2014 on the file of Additional Judicial First Class Magistrate, Avanigadda, registered for the offences punishable under Sections 34(a) and 36(1)(c) of A.P.Excise Act, 1968. As he was absent on 17.11.2015 due to ill-health, NBW was issued against him, and when he filed Crl.M.P.No.2885 of 2016 under Section 70(2) Cr.P.C., to recall the NBW pending against him, the trial Court dismissed the same on 26.08.2016. Hence, he filed the present revision.

3. Having regard to the facts and circumstances of the case and in view of the nature of offence, I find that it is a fit case to direct the petitioner to file fresh application under Section 70(2) Cr.P.C., and direct the trial Court to decide the said petition.

4. Accordingly, the petitioner is directed to move fresh application under Section 70(2) Cr.P.C., before the trial Court, and on filing such application, the trial Court is directed to dispose of the same on the same day on appearance of the petitioner.

5. 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

19th October, 2016

sj

