

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.13372 of 2016

ORDER

This petition is filed challenging the order dated 10.08.2016 passed in CrI.M.P.No.414 of 2016 in M.C.No.10 of 1995 on the file of IV Additional Junior Civil Judge, Rajahmundry.

2. During the course of enquiry in the maintenance proceedings, the petitioner, who is the husband of first respondent, filed a petition on 10.08.2016 to dispense with his presence on the ground that he being a Municipal employee was busy on special duty in view of Pushkarams and he could not appear before the Court. By the order impugned, the trial Court dismissed the same and issued NBWs against the petitioner. Challenging the same, the present criminal petition is filed.

3. Learned counsel for the petitioner submits that on 10.08.2016, the petitioner was on special duty and his absence was not intentional. He further submits that though the first respondent-wife was also absent on that day, her presence was dispensed with by the trial Court.

4. Considering the facts and circumstances of the case and since the absence of petitioner was not intentional, the NBW pending against him can be recalled. Accordingly, the Criminal Petition is disposed of, with the following direction;

The petitioner is directed to approach the trial Court within 15 days from today and make an application for recalling of NBW

pending against him. On filing such an application, the trial Court shall consider the same on the same day and proceed with the case.

5. Subject to the aforesaid direction, the Criminal Petition is disposed of. Miscellaneous applications, if any, pending in this petition shall stand closed.

20th September, 2016
sj

M.S.K.JAISWAL,J

