

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5834 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 22-03-2010 in CrI.M.P.No.336 of 2016 in C.C.No.328 of 2015 passed by the XVI Special Magistrate, Hyderabad, dismissing the petition filed under Section 205 Cr.P.C. seeking to dispense with the presence of the petitioner/A-3.

Heard the learned counsel for the petitioner/A-3 and the learned Public Prosecutor and perused the material on record.

After arguing for some time, the learned counsel for the petitioner/A-3 confined his arguments only to the extent of directing the trial Court to recall the warrant issued against the petitioner. It is stated that when a petition under Section 317 Cr.P.C. was filed for condoning the absence of the petitioner/A-3 before the Court, the Court without considering the said petition dismissed the same and issued warrant against him.

Having regard to the facts and circumstances of the case and considering the request of the petitioner/A-3, the petitioner herein is directed to surrender before the Court and file an application under Section 70 (2) Cr.P.C. seeking to recall the warrant and on filing of such application, the trial Court shall consider the same on the same day and pass appropriate orders in accordance with law.

Accordingly, the Criminal Petition is disposed of.
Consequently, miscellaneous petitions, if any,
pending, shall stand closed.

RAJA ELANGO, J

Date: 20-04-2016

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