

HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9138 of 2017

ORDER.

Heard learned counsel for the petitioner, learned Public Prosecutor and perused the record.

This Criminal Petition is filed by the petitioner-accused No.2 seeking to direct the I Additional District and Sessions Judge, Chittoor to recall the non-bailable warrant issued against him in Special Sessions Case No.28 of 2012.

There is a provision in Section-70(2) of Cr.P.C. available to the petitioner-accused No.2 to get the non-bailable warrant issued against him recalled by the Court, where the criminal proceeding is pending.

Learned counsel for the petitioner-accused No.2 seeks a direction to the Court below to recall the non-bailable warrant issued against the petitioner on filing of an application under the above provision of law.

It is not appropriate for this Court to exercise the jurisdiction vested in the Court below.

Under these circumstances, the petitioner-accused No.2 is permitted to file an application under Section-70(2) of Cr.P.C. before the Court below to recall the non-bailable warrant issued

against him. On filing of such application, the trial Court may consider the same on merits.

The Criminal Petition is, accordingly, disposed of.

As a sequel, the Miscellaneous Petitions, if any, shall stand disposed of.

DR. SHAMEEM AKTHER, J

03rd October 2017

DR

