

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.3083 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the order, dated 03.04.2017, passed in CrI.M.P.No.553 of 2017 in C.C.No.1402 of 2009 on the file of Additional Judicial Magistrate of First Class, Sathupalli, Khammam District, whereby and whereunder, the petition filed under Section 70 (2) of the Code seeking to recall the non-bailable warrant issued against the petitioner was dismissed.

2. Heard Sri S. Subba Reddy, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Telangana.

3. Learned counsel for the petitioner would submit that the petitioner is suffering with cardiac problem and hypertension, and to that effect, Medical Certificate issued by the Registered Medical Practitioner is filed and, therefore, requests to recall the non-bailable warrant issued against the petitioner.

4. Unless extra-ordinary or exceptional circumstances appear, such a relief cannot be granted. Therefore, the petitioner is directed to appear before the learned Additional Judicial Magistrate of First Class, Sathupalli, Khammam District, and file a petition, under Section 70 (2) of the Code, afresh. If the petitioner files such an

application afresh by physically presenting himself in the Court, the learned Magistrate is directed to dispose of the same in accordance with law on the same day.

5. With the above direction, the present Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A.SHANKAR NARAYANA, J

April 17, 2017.
MD

