

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.670 of 2017

ORDER :

Aggrieved by the docket proceedings dated 30.01.2017 in CrI.M.P.PR.No.141 of 2017 in C.C.No.94 of 2016 passed by the Judicial Magistrate of First Class, Palasa, the petitioner/ A1 filed this revision.

Notice sent to the 2nd respondent is returned as left. Hence, held to be sufficient service.

Heard the petitioner, who is appearing as party-in-person and perused the docket order dated 30.01.2017 on the maintainability without presence of the petitioner/ accused.

It is the submission of the petitioner that there are expressions of this Court holding that for recall of N.B.W., appearance of the petitioner/ accused is not required for numbering the petition or to consider, but for, to decide on merits.

Having regard to the above, no doubt, the order of the lower Court is not correct. In view of the same and from the charge sheet shows no anticipatory bail is granted to the petitioner, from which, the learned Magistrate issued

N.B.W., though N.B.W. cannot be resorted to, but for, issuing of summons also from consideration of the nature and propensity of the crime, to sub-serve the ends of justice, the Criminal Revision Case is disposed of directing the petitioner to surrender before the learned Magistrate concerned and move for regular bail on the same day for consideration on merits, with necessary conditions of bond and for due appearance in future with sureties and other conditions, as the case may be.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date: 27-04-2017
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Dr. B. SIVA SANKARA RAO, J



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