

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1213 OF 2017

ORDER:

Requesting to invoke jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the petitioner – accused filed the present Criminal Petition seeking to quash the order dated 16.10.2017, passed by the learned Additional Judicial Magistrate of First Class, Ramachandrapuram, in Criminal Petition M.P. No.255 of 2017 in C.C. No.435 of 2015.

2. Sri V. Sai Kumar, learned counsel for the petitioner, would submit that the petitioner, which is a firm and being represented by its Managing Partner, Badigantla Srinivasa Rao, filed an application under Section 70(2) of Cr.P.C., for cancellation of non-bailable warrant issued against him, but the learned Magistrate, having got dissatisfied, refused to cancel the warrant on the main ground that the petitioner was not present, though, he got moved such an application, and opining that the petitioner was voluntarily absconding to attend the Court and further observing that the petitioner has committed contempt of Court from many adjournments. Learned counsel, of course, pleads that it was not deliberate on the part of the petitioner in not attending the Court and, therefore, seeks the relief herein to quash the aforesaid order.

3. Certainly, it is not a case where the order can be quashed. But, a direction can be given to the petitioner to physically appear

before the concerned Court on or before 23.02.2017 and once again make an application under Section 70(2) Cr.P.C.; on which, the learned Magistrate is directed to dispose of the same on the same day uninfluenced by any of the observations made herein.

4. With the above directions, the Criminal Petition is disposed of at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

February 10, 2017.

PV

A. SHANKAR NARAYANA, J

