

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6909 OF 2017

ORDER:

Heard learned counsel for the petitioner and also the learned public prosecutor representing the 1st respondent – State, before ordering notice to the 2nd respondent.

2. A perusal of the material on record shows that there is nothing for this Court to interfere with by entertaining the application filed more than 1½ years after the impugned order of the learned Magistrate dated 17.12.2016 in issuing N.B.W. against the A1 and A2, including the petitioner herein/A1 for their absence with no representation but for if at all to direct to approach by personal appearance, the trial court by filing application under Section 70(2) Cr.P.C. to recall the warrant for consideration on merits. Needless to say, if at all the accused are already on bail, the issuance of N.B.W. or even execution of N.B.W., but for cancelling the bonds no way cancel the bail and thereby the trial court can insist for fresh solvency, if at all by imposing penalty for the earlier bonds cancelled.

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

08.08.2017

SS