

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.3336 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 Cr.P.C. challenging the docket order dated 01.12.2016 passed in CrI.MP No.2676 of 2016 in MC No.12 of 2011 on the file of the Judicial Magistrate of First Class, Yemmiganur.

2. Heard the learned counsel for the petitioner and perused the record.

3. A perusal of the record reveals that the petitioner, who is the respondent in CrI.M.P.No.2636 of 2016 in MC No.12 of 2011, on the file of the Judicial Magistrate of First Class, Yemmiganur, did not appear before the trial court. Having no other option, the trial court, issued a non-bailable warrant against the petitioner.

4. Admittedly, the court, which issued a non-bailable warrant, alone is entitled to recall the same, in view of Section 70(2) Cr.P.C. For one reason or the other, the petitioner did not choose to file an application under Section 70(2) Cr.P.C., for recall of the warrant issued against him, before the trial court.

5. Having regard to the facts and circumstances of the case, I am of the considered view that there is no illegality or irregularity in the docket order passed by the trial court, which warrants interference by this court. Hence, criminal revision case is dismissed.

6. It is needless to state that dismissal of this criminal revision case does not preclude the petitioner to file recall application before the trial court.

Pending miscellaneous petitions, if any, in this case, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 02.01.2017.  
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Date: 02.01.2017

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