

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1211 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking to quash the order, dated 25.01.2017, passed by the learned Additional Judicial Magistrate of First Class, Ramachandrapuram, in C.C. No.6 of 2016, whereby and whereunder, a petition filed under Section 190 of the Code of Criminal Procedure, 1973, whereby offence alleged to have committed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881, was rejected.

2. Heard Sri V. Sai Kumar, learned counsel for the petitioners, and the learned Additional Public Prosecutor.

3. The impugned order shows that at the stage of examination of the accused, petitioner No.2 - accused No.2, who is also representing petitioner No.1 - accused No.1 firm as its Managing Partner, under Section 313 of the Code of Criminal Procedure, 1973 (Cr.P.C.), was absent, though, the complainant was present, and the petition under Section 317 of Cr.P.C., filed by the petitioners was dismissed, non-bailable warrant was issued against and simultaneously, even notices were issued to the surety of the petitioners also, adjourning the matter to 23.02.2017.

4. It is not clear from the order nor the learned counsel for the petitioners could explain whether petitioner No.2, who is also representing petitioner No.1, was absent consecutively when the matter came up for examination under Section 313 of Cr.P.C.

5. In these circumstances, it is desirable to give a direction to the petitioners to appear before the learned Magistrate's Court on 23.02.2017 or earlier thereto, on any day within a week from today and make an application for recalling the non-bailable warrant issued against him, under the relevant provisions of law. In case, such an application is filed by petitioner No.2, who is representing petitioner No.1 also, by appearing himself before the learned Magistrate's Court, the learned Magistrate is directed to dispose of the petition on the same day itself.

6. With the above direction, 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.

A. SHANKAR NARAYANA, J

February 10, 2017.
PV