

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5640 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. challenging the issuance of Non-bailable warrant (NBW) against the petitioner/A1 on 19.07.2017 in C.C.No.6 of 2017 on the file of the Judicial First Class Magistrate, Gajapati Nagaram, Vizianagaram District.

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

3. A perusal of the record reveals that the petitioner herein is facing trial in C.C.No.6 of 2017 for the offence punishable under Section 92 of the Factories Act, 1948 and Amended Act 1976 and Factories (Amendment) Act, 1987. For one reason or other, the petitioner did not attend before the trial Court on 28.06.2017. The counsel for the petitioner filed a petition under Section 317 Cr.P.C. to dispense with the presence of the petitioner. The trial Court dismissed the petition filed under Section 317 Cr.P.C. and issued Non-Bailable Warrant against the petitioner.

4. The only relief sought by the learned counsel for the petitioner is to direct the trial Court to dispose of the petition, if any, filed by the petitioner under Section 70(2) Cr.P.C. to recall the NBW issued against the petitioner on 28.06.2017.

5. Having regard to the facts and circumstances of the case, the petitioner is hereby directed to appear before the trial Court and file a petition under Section 70(2) of Cr.P.C. to recall the Non-Bailable Warrant issued against him on 28.06.2017. If the petitioner files such a petition, the trial Court is hereby directed to dispose of the same on the same day in accordance with law.

6. With the above direction, the criminal petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date:14.07.2017

Note:

Issue C.C. by 18.07.2017

B/o. Rns

T.SUNIL CHOWDARY, J

