

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5294 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the docket order dated 13.4.2017 in C.C.No.1352 of 2015 on the file of the Court of the Judicial Magistrate of First Class, Miryalaguda.

2 A perusal of the record reveals that the petitioner is facing trial in C.C.No.1352 of 2015 on the file of the Court of the Judicial Magistrate of First Class, Miryalaguda for the offence punishable under Section 138 of N.I. Act. A perusal of the record further reveals that for one reason or the other, the petitioner did not appear before the trial court on 13.4.2017, but his counsel filed a petition under Section 317 Cr.P.C. However, the trial court dismissed the said petition and issued NBW against the petitioner.

3 The only relief sought for by the learned counsel for the petitioner is that the trial court may be directed to dispose of the petition, if any, filed by the petitioner under Section 70 (2) Cr.P.C. on the same day.

4 Having regard to the facts and circumstances of the case, the trial court is hereby directed to dispose of the petition, if any, filed by the petitioner under Section 70 (2) Cr.P.C. seeking to recall of the NBW issued against him on 13.04.2017 on the same day and in accordance with law.

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

T. SUNIL CHOWDARY, J

Date: 6th July, 2017
Kvsn