

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

CRIMINAL PETITION No.9828 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of STC No.14 of 2016, pending on the file of V Additional Judicial Magistrate of First Class, Tirupati, Chittoor District, taken cognizance by the learned Magistrate for the offences punishable under Sections 138 r/w 142 N.I.Act, outcome of the private complaint of the 2nd respondent, wherein for his non-appearance on 23.08.2016 before the trial court personally, the learned Magistrate dismissing the application for condonation of the absence it appears, issued N.B.W. It is his claim that he was undergoing treatment in Chennai and could not attend. He filed the application for recall with that version in CrI.M.P.No.2611 of 2017 on 25.09.2017, which is about a month after the NBW issued and the same was dismissed on the self-same date by the learned Magistrate as that recall application is also without presence of the petitioner before the Court. It is the same now impugned.

2. Heard learned counsel for the petitioner and the learned public prosecutor representing the 1st respondent – State, before ordering notice to 2nd respondent and though there is nothing to interfere with the impugned order of the learned Magistrate practically, to sub-serve the ends of justice; the petition instead of dismissal is disposed of giving liberty to the petitioner to appear before the learned Magistrate if not

already executed bond, to execute a fresh bond for his future due appearance, the learned Magistrate shall entertain the appearance by cancelling the N.B.W. on such appearance and execution of bond under Section 88 Cr.P.C. subject to above conditions.

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.

26.10.2017
SS

DR.B.SIVA SANKARA RAO, J

