

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P.Nos.10243 and 10280 of 2017

COMMON ORDER:

These two Criminal Petitions are filed under Section-482 of Cr.P.C. to recall the non-bailable warrants, dated 23.3.2017, in C.C.Nos.348 and 350 of 2017 issued against the petitioner, respectively, by the learned Additional Judicial Magistrate of First Class, Gadwal, Mahaboobnagar District on the ground that on the day, when the matters were posted before the said Magistrate, the petitioner could not appear due to viral fever as the doctor advised him to take rest. The petitioner stated that the cause is beyond his reasonable control and therefore, he could not appear before the Court on the said date.

These are strange cases where the petitioner is compelling this Court to exercise the jurisdiction of the Magistrate even to recall the non-bailable warrant issued against him without filing a petition before the Magistrate concerned and inviting an order from him. No doubt, a Criminal Petition is maintainable questioning such order, but it is difficult for this Court to exercise the power of the Magistrate to recall the non-bailable warrant under Section-70(2) Cr.P.C. Therefore, I am of the opinion that these are not fit cases to issue a direction to recall

the non-bailable warrants issued against the petitioner. However, the petitioner is at liberty to approach the Magistrate concerned by way of filing an application under Section-70(2) Cr.P.C. and appear before the Court. After appearance of the petitioner before the Court, with advance notice to the respondent, the Magistrate is directed to dispose of the application on the same day.

Subject to the above, the Criminal Petitions are dismissed.

JUSTICE M.SATYANARAYANA MURTHY

07th November 2017

DR

