

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.12609 OF 2017

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the order dated 03.07.2017 passed by the First Additional Judicial Magistrate of First Class, Proddatur in returning the CrI.M.P.SR.No.3032 of 2017 in C.C.No.135 of 2016 in a petition filed under Section 70(2) CrI.P.C for recalling the Non-Bailable Warrants issued against the petitioners herein/Accused nos.2,3,5 & 6 in C.C No.135 of 2016.

On 02.01.2017 the Court below at Proddatur directed the petitioners herein to execute a personal bond of Rs.10,000/- along with two sureties and adjourned the case to 30.01.2017 and adjourned for furnishing of sureties upto 10.02.2017. On 10.02.2017, the petitioners were absent and petition under Section 317 Cr.P.C is filed. The Court below dismissed the same as the petitioners did not comply with the directions issued earlier. Further, the petitioners filed CrI.M.P.No.1619 of 2017 in C.C.No.135 of 2016 to recall the Non-Bailable Warrants issued against the petitioners on 10.02.2017 and the same was also dismissed by the Court below on 15.05.2017. Thereafter, the petitioners again filed CrI.M.P.SR.No.3032 of 2017 in C.C.No.135 of 2016 for recall of Non-Bailable Warrants. This time, the Court the petition, assigning reason that the case of the petitioners is

different to that of the facts of the case relied on by the petitioners in **Chundru Ammanna v. Assistant Commissioner of Labour**¹ and directed the petitioners to represent the petition along with their appearance and returned the same. Aggrieved by the said order dated 10.02.2017, the petitioners preferred the present criminal petition on various grounds.

The only contention before this Court is that, on the date when Non-Bailable Warrants were issued, the petitioners could not appear before the Court below due to reasons beyond their control and produced medical certificate in support of their contention. But, the Trial Court did not consider their application and insisted for their presence on the date of hearing.

Instead of advertng to the merits of the case, I feel that it is appropriate to direct the petitioners herein to appear before the Court below and represent the petition which was present before the Court by complying with the objection raised by the Court below. On presentation of the said petition by the petitioners, the Trial Court shall pass appropriate orders on the same day, in accordance with law. If the Court below finds that the petitioners are ready to produce sureties, the Court below may consider the request also, in accordance with law.

¹ 2000 (1) ALD (CrI.)

With the above direction, the criminal petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

Registry is directed to return the certified copies of the documents filed along with this criminal revision case, so as to enable the petitioner to file appropriate application.

JUSTICE M. SATYANARAYANA MURTHY

Date:26.12.2017

SP

