

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.12743 of 2017

ORDER

This petition is filed under Section 482 of Cr.P.C., to recall the NBW issued against the petitioner in S.S.C.No.40 of 2011 by the Special Sessions Judge for SCs & STs (POA) Act-cum-VII Additional Sessions Judge, Warangal, on the ground that the appearance of petitioner was dispensed with by this Court vide order dated 08.11.2016 in Crl.R.C.No.2811 of 2016, until further orders. Despite dispensing with the appearance of petitioner, the Court below ordered issuance of NBW against him. Therefore, he filed a petition under Section 70(2) of Cr.P.C., before the Court below. But the Court below neither returned nor registered the said petition. Therefore, issuance of NBW against the petitioner is illegal and he requested this Court to quash the said order.

2. Admittedly, this Court passed an order dispensing with the appearance of petitioner before the Court below in S.S.C.No.40 of 2011, until further orders. Ordering issuance of NBW against the petitioner despite the order of this Court, keeping in view the direction issued by the Apex Court to dispose of pre-2012 cases, is nothing but a clear violation of the order passed by this Court and keeping the petition filed by petitioner under Section 70(2) of Cr.P.C., pending without passing any order is another matter serious concern and that when the life and liberty of the petitioner is involved, the Court below is not expected to keep the petition pending either returning or registering it so as to force the petitioner to appear before the Court to enable the Court to frame charges.

Such practice cannot be encouraged by this Court. Therefore, the Court below is directed to register the criminal petition filed under Section 70(2) of Cr.P.C., by petitioner and pass appropriate orders in accordance with law, keeping in view the order passed by this Court in Crl.R.C.No.2811 of 2016 dated 08.11.2017, on the same day.

3. With the above direction, the Criminal Petition is disposed of.
4. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

21st December, 2017

Note:
Issue CC tomorrow.

sj

M. SATYANARAYANA MURTHY, J

