

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.24611 of 2017

ORDER

This petition is filed under Section 482 Cr.P.C., questioning the order dated 06.09.2017 in PRC.No.22 of 2015 passed by the IV Additional Chief Metropolitan Magistrate, Visakhapatnam in issuing NBW against the petitioner observing that summons issued against the petitioner was not served as he was absconding from the date of filing the charge sheet.

The main contention of the petitioner is that when summons were ordered, no notice was served on the petitioner, therefore, the question of issuing NBW does not arise, as such the order passed by the Magistrate is illegal.

After arguing the matter for a while, learned counsel for the petitioner requested this Court to permit the petitioner to appear before the Magistrate concerned and file application to recall NBW under Section 70(2) Cr.P.C.

Accordingly, the criminal petition is disposed of without touching the merits of the case, granting liberty to the petitioner to file appropriate application under Section 70(2) Cr.P.C to recall non bailable warrant explaining the reasons for the absence on the date of adjournment and on such application is filed after serving notice on the 1st respondent, the Magistrate is directed to dispose of the said application on the same day in accordance with law.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

28.12.2017
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