

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.449 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 02.01.2018 passed in CrI.M.P. No.2230 of 2017 in Sessions Case No.25 of 2017 on the file of the Special Judge for trial of the Cases under S.Cs. and S.Ts. (POA) Act-cum-VII Additional Sessions Judge, Ongole (for short, 'the trial Court'), against the petitioner-A.5 for the offences under Sections 323, 324, 506 I.P.C. r/w Section 34 I.P.C. and Section 3(1)(x) of the S.Cs. and S.Ts. (POA) Act.

2. Heard both sides and perused the record.

3. It is submitted on behalf of the petitioner-A.5 that the recall application filed by the petitioner-A.5 in Sessions Case No.25 of 2017 before the trial Court was dismissed, as the petitioner-A.5 was not present before the said Court. It is submitted that the petitioner-A.5 arrived in India from United States and he is ready to stay here and face the trial.

4. Under these circumstances, the petitioner-A.5 is directed to file an application to recall NBW issued against him in the above Sessions Case, being present personally or an application under Section 439 Cr.P.C., as required in the circumstances of the case. On filing any of such application, the trial Court shall consider the same on the very same day.

5. With the above direction, this Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 23-01-2018

siva

