

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.948 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A.2 seeking to quash the order dated 13.10.2017 passed in CrI.M.P. No.2047 of 2017 in C.C. No.876 of 2017 on the file of the I Additional Chief Metropolitan Magistrate at Nampally, Hyderabad, by recalling the Non-bailable warrants issued against the petitioner.

2. Heard the learned counsel for the petitioner-A.2, learned Assistant Public Prosecutor and perused the material on record.

3. Learned counsel for the petitioner-A.2 would submit that the petitioner-A.2 has been suffering from ill-health, therefore she could not attend before the Court below and then NBW issued against him on 21.07.2017; aggrieved by the same, the petitioner-A.2 is before this Court; and ultimately, prayed to allow this application.

4. On the other hand, learned Assistant Public Prosecutor opposed the grant of relief sought by the petitioner-A.2.

5. The question whether petitioner-A.2 suffered ill-health or continuous to be suffering from ill-health are all matters to be appreciated by the Court below. In view of the circumstances of the case, there are no merits in this application. In the circumstances, the petitioner-A.2 is directed to attend before the Court below and file an application to recall the NBW issued against her raising all the grounds. In the event of filing such application by the petitioner-A.2, the Court below is required to consider the same in accordance with law.

6. With the above directions, this Criminal Petition is dismissed.
Miscellaneous petitions, if any pending in this case, shall also stand dismissed.

30th January, 2018

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Dr. SHAMEEM AKTHER, J

