

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1556 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash order, dated 30.01.2018, in CrI.M.P.No.2850 of 2017 in C.C.No.287 of 2016 on the file of Special Magistrate Court II at Rajendranagar, Ranga Reddy District.

2. Heard the learned counsel for the petitioner-accused and the learned Assistant Government Pleader for respondent No.1-State.

3. In the course of submissions, it has come to the notice of this Court that the petitioner-accused was not present before the Court below when the application viz., CrI.M.P.No.2850 of 2017 was filed to recall N.B.Ws. under Section 70(2) Cr.P.C. It is also brought to the notice of this Court that when the C.C. was coming up for further evidence of the petitioner-accused, the aforesaid application was filed on the ground that the petitioner-accused suffered fracture injuries and was unable to move from bed. It is said that the petitioner-accused suffered those injuries in July, 2017. By this time, he might be quite well. It is contended by the learned counsel for the petitioner-accused that his client has no further evidence and he wants his evidence to be closed and the C.C. be proceeded with further. It seems these submissions are not made before the Court below, as can be seen from the impugned order.

4. In the above facts and circumstances of the case, the petitioner-accused can file a fresh application under Section 70(2) Cr.P.C. before the Court below by making the above submissions and by

appearing in person. On filing such application, the Court below may consider and disposed of the same in accordance with law.

5. Subject to the above observations, the Criminal Petition is disposed of.

6. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

DR. SHAMEEM AKTHER,J

12th February, 2018
GHN

