

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.442 of 2018

ORDER:

Heard Sri Raju Gubbala, learned counsel for petitioner/A2 and this Criminal Revision Case is disposed of at the admission stage in view of the facts involved therein.

2. The present Criminal Revision Case is filed aggrieved by the docket order dated 10.1.2018 in CrI.M.P.No. 216 of 2018 passed by the Additional Judicial First Class Magistrate, Peddapuram, East Godavari District, whereunder, the trial Court dismissed the petition filed by him under Section 70 (2) Cr.P.C, seeking to recall the NBW issued against him.

3. Learned counsel for petitioner would submit that the petitioner/A2 went to Madras for attending his livelihood and in those circumstances he could not appear before the trial Court on the relevant dates and thereby NBW was issued against him. He would submit that an opportunity may be granted to him to defend the case by setting aside the impugned order.

4. In the interest of justice, the Criminal Revision Case is allowed and the impugned order dated 10.1.2018 is set aside with the direction that the petitioner/A2 shall personally appear before the trial Court on 28.2.2018 and file a fresh application under Section 70(2) Cr.P.C, seeking to recall

NBW issued against him, in which case, the trial Court shall recall the NBW. The petitioner/A2 is directed to assist the trial Court for smooth completion of the trial.

5. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 15.02.2018
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