

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Crl.R.C. No.448 of 2018

ORDER:

This Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 09.01.2018 in Crl.M.P.No.3071/2017 in C.C.No.366 of 2017 passed by the learned VIII Special Magistrate, Kukatpally, at Miyapur, Ranga Reddy District, dismissing the petition filed by the petitioner under Section 70(2) Cr.P.C seeking to recall the NBW issued against him. It should be noted that the respondent/complainant opposed the said petition and the Trial Court had to pass an elaborate order as to why the recall petition had to be dismissed in view of the conduct of the petitioner/accused. One of the allegations against the petitioner is that he allegedly assaulted the Advocate Commissioner, who went to execute the NBW and a complaint was lodged against the petitioner/accused.

2) If that be the case, the law will take its own course so far as the aforesaid allegation is concerned. However, the concern for this Court is C.C. No.366/2017 could not show any progress in view of the absence of the accused for whatever be the reason. In that view of the matter, this Court in the interest of justice and for smooth progress of the C.C.No.366 of 2017, consider it fit to pass appropriate orders.

3) In the result, this Criminal Revision Case is allowed by setting aside the order dated 09.01.2018 in CrI.M.P.No.3071/2017 in C.C.No.366 of 2017. Consequently, the petitioner/accused is directed to personally appear before the Trial Court on or before 12.03.2018 and file a petition afresh to recall NBW, in which case, the Trial Court shall allow the said petition. The petitioner/accused shall assist the Trial Court for smooth completion of the trial.

As a sequel, miscellaneous petitions if any pending, shall stand closed.

Date: 27.02.2018
scs

U. DURGA PRASAD RAO, J

