

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.766 of 2018

ORDER:

Heard Sri D.Purna Chandra Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor.

This Criminal Revision Case is disposed of at the admission stage as this Court finds no reason to order notice to the defacto complainant.

This Criminal Revision Case is filed by the petitioner/A.1 aggrieved by the order dated 5th January, 2018 in CrI.M.P.No.6752 of 2017 in C.C.No.1834 of 2014 whereby the learned II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur, dismissed the petition filed by him under Section 70 (2) Cr.P.C. with a prayer to recall NBW pending against the petitioner/A.1 on the observation that the petition was filed only through Special Power of Attorney and he has not appeared before the court in person.

Learned counsel for the petitioner would submit that the petitioner/A.1 is working in U.S.A. since 2010 and his official address

is wrongly shown in charge sheet as India and mentioned as absconding and thereby, the court was pleased to issue NBW. In spite of the same, the petitioner, on knowing about the proceedings of the case, got filed a petition under Section 70 (2) Cr.P.C. for recall of warrant but the same was unfortunately dismissed.

Learned counsel would further submit that the petitioner is ready to attend the court and file a regular petition under Section 70 (2) Cr.P.C. for recall of warrant, and time may be granted to him.

Learned Additional Public Prosecutor left the matter to the discretion of the court.

In view of the above submission of counsel for the petitioner, this Criminal Revision Case is allowed and the petitioner/A.1 is granted time till 30th April, 2018 on or before which time, he has to personally attend the trial court and file an application under Section 70 (2) Cr.P.C. for recalling N.B.W. in which event, trial court shall allow the same and recall the NBW. Till 30th April, 2018, the NBW issued against him shall be kept in abeyance. On his failure to comply with the direction in this order, the trial court is at liberty to get the NBW executed.

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

JUSTICE U.DURGA PRASAD RAO

Dated 16th March, 2018.

Note:

Issue C.C. by 19-03-2018.

BO

Dvs



HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



CRIMINAL REVISION CASE No.766 of 2018

Dated 16th March, 2018.

Dvs

