

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.5336 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., challenging the order dated 24.03.2018 passed in Crl.M.P.No.23 of 2018 in C.C.No.605 of 2017 by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Secunderabad.

The petitioner filed petition under Section 70(2) Cr.P.C. before the Court below to recall NBW on the ground that he was unable to appear before the Court on the date of adjournment i.e. on 03.11.2015 as he was out of country and that the reason for non appearance on that day before the Court below was not intentional or willful. The Court below dismissed the said petition on the ground that C.C. is of the year 2013 i.e five years old case and charges are not yet framed and coming up for framing charges.

Learned counsel for the petitioner reiterating the contentions, requested this Court to recall non bailable warrant issued against this petitioner/A1 as the Court issued non bailable warrant for his failure to appear before the Court and also issue a specific direction to the Magistrate to dispose of the same, without touching the merits of the case.

In view of the request made by learned counsel for the petitioner, without touching the merits of the case, the petitioner is directed to appear before the Court below and file appropriate application to recall non bailable warrant explaining the reasons for his absence on the date of adjournment and on such application is filed after serving notice on the respondent, the Magistrate is

directed to dispose of the said application on the same day in accordance with law.

With the above observation, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

06.06.2018
kvrn

