

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.1220 of 2018

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of Cr.P.C., is filed by the petitioner-accused, challenging the order, dated 25.01.2018, passed in CrI.M.P.No.2 of 2018 in C.C.No.431 of 2011 by the Judicial Magistrate of First Class, Penukonda, whereby, the petition filed by the petitioner-accused under Section 70(2) of Cr.P.C., to recall the Non-bailable Warrant issued against him, was dismissed.

2. Heard the learned counsel for the petitioner-accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. As seen from the record, since the petitioner-accused did not appear before the Court below on 12.04.2016, the Court below issued Non-bailable Warrant against him. Then, he filed the subject Recall application before the Court below stating that since he was suffering from ill-health, he could not attend before the Court below and requested to recall the Non-bailable Warrant issued against him. The Court below, holding that there is no *bona fide* inability on the part of the petitioner-accused to put up his appearance for examination and that he deserves no consideration as he lacks *bona fide* reasons for recalling the Non-bailable Warrant issued against him, dismissed the subject application.

4. There is no infirmity in the impugned order. The Court below has assigned valid reasons for dismissing the Recall application filed by the

petitioner-accused. There is no miscarriage of justice. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

5. In the result, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

01st May, 2018
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Dr. SHAMEEM AKTHER, J

