

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.5297 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., challenging the docket order dated 01.03.2018 passed in Crl.M.P.No.727 of 2018 in C.C.No.16 of 2018 by the Additional Judicial First Class Magistrate, Ramachandrapuram, dismissing the petition filed under Section 70(2) Cr.P.C. negating the relief of NBW issued against the petitioner on the ground that the petitioner was absent on the day when the petition came up for hearing.

The main contention of the petitioner is that on the date when the case was posted, he was pre-occupied with animal operations as he was veterinary surgeon, he could not attend the Court, which resulted in issuance of NBW and he submits that he is a Government Servant, question of his absconding would not arise and he would attend the Court on all the future adjournments as and when required and that the reason for non appearance on that day before the Court below was not intentional or willful.

Learned counsel for the petitioner reiterating the contentions, requested this Court to recall non bailable warrant issued against this petitioner/Accused 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 the 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.

06.06.2018
kvrn



M. SATYANARAYANA MURTHY, J