

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1533 OF 2018

ORDER:

This Criminal Revision Case is filed assailing the orders dated 24.05.2018 passed in CrI.M.P.No.1539 of 2018 in C.C.No.204 of 2016 on the file of XXV Special Magistrate at Hyderabad in dismissing the petition filed under Section 317 of Cr.P.C.

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the second respondent and perused the material on record.

The facts of the case are that the first respondent herein filed a complaint against the petitioner herein and two others for the offence punishable under Section 138 of Negotiable Instruments Act. During the course of hearing, the matter was posted to 24.05.2018 for appearance of the petitioner herein. On that day, a petition was filed to dispense with the presence of the petitioner herein on the ground that the paternal uncle of the petitioner was expired and as such he was unable to appear before the Court. The said petition was dismissed by the Court below by observing that though the Court passed a conditional order, the petitioner did not attend the Court. Against the said order, the present revision is filed.

The counsel appearing for the petitioner would submit that the petitioner has been attending the Court regularly and in fact, on 24.05.2018, since his paternal uncle has expired, he could not attend the Court. The said act of not attending the Court on the

said date is neither wilful nor wanton, but it is only due to the reason stated *supra*.

The learned Public Prosecutor appearing for the second respondent-State has not seriously opposed the revision.

Having regard to the facts and circumstances of the case, more particularly, in the light of the reasons mentioned in the petition, this Court is inclined to recall the Non-bailable warrant dated 24.05.2018 issued against the petitioner herein by imposing costs.

Accordingly, the Criminal Revision Case is allowed and the Non-bailable warrant dated 24.05.2018 issued against the petitioner is hereby recalled on condition of petitioner paying a sum of Rs.5,000/- to the de facto complainant-first respondent towards costs within a period of one week from the date of receipt of the copy of the order, in default whereof, the order of this Court automatically stands cancelled.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHAVA RAO,J

20th JUNE 2018.
Tsr