

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.1529 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.1538 of 2018 in C.C.No.24 of 2016, dated 24.05.2018 on the file of XXV Special Magistrate at Hyderabad, dismissing the petition filed under Section 70(2) of Cr.P.C. to recall the warrants issued against the petitioners.

Heard the learned counsel for the petitioners, first respondent and learned Public Prosecutor appearing for the respondent No.2-State.

The facts of the case are that the petitioners herein are charged for an offence under Section 138 of Negotiable Instruments Act. During the pendency of the C.C., when the petitioners herein were absent, Non-bailable Warrants were issued against them. In those circumstances, the petitioners have filed CrI.M.P.No.1538 of 2018 under Section 70(2) of Cr.P.C. to recall the Warrants issued against them. On 24.05.2018, when the matter was taken up, there was no representation on behalf of the petitioners and therefore, the petition was dismissed for default. Aggrieved by the said orders, the present revision is filed.

The learned counsel appearing for the respondent No.1 fairly conceded before this Court that the petitioners can appear before the Court below and file an appropriate application for recall of the Non-bailable Warrants issued against them and proceed with the trial of the case without seeking any adjournments.

Taking the said submission into consideration and having regard to the facts of the case, this Court is inclined to set aside the orders passed by the Court below in CrI.M.P.No.1538 of 2018 giving an opportunity to the petitioners to appear before the Court below and seek appropriate relief.

Accordingly, the Criminal Revision Case is allowed setting aside the orders passed in CrI.M.P.No.1538 of 2018 in C.C.No.24 of 2016 dated 24.05.2018. The petitioners are directed to appear before the learned XXV Special Magistrate, Hyderabad, within one week from the date of receipt of a copy of this order and the learned Magistrate is directed to pass appropriate orders.

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

17th JULY 2018.
Tsr

P.KESHAHA RAO,J

