

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE NO.1417 OF 2018

ORDER:

Heard the learned counsel for the petitioners as well as the learned Public Prosecutor appearing for the respondent State.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.2101 of 2018 in C.C.No.641 of 2016 dated 5.6.2018, dismissing the petition filed to recall the NBWs issued against the petitioners.

3. The facts of the case are that the petitioners herein filed CrI.M.P.No.1495 of 2018 in C.C.No.641 of 2016 seeking permission of the Court to go abroad for a period of six months. The said petition was allowed by the Court below on 11.4.2018 imposing a specific condition which is as follows:

“In the result, petition is allowed, interim custody of passport are given to petitioners for six months, they shall be represented by their counsel on each date of adjournment, after expiry of six months the petitioners shall attend before the court...”

4. On 1.6.2018, as there was no representation by the learned counsel for the petitioners, the Court below issued NBWs. Immediately thereafter, on the same day, petition in CrI.M.P.No.2101 of 2018 was filed to recall the said NBWs. The

said petition was dismissed by the Court below vide orders dated 5.6.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

5. Learned counsel for the petitioners would submit that on 1.6.2018, learned counsel for the petitioners was late to the Court by five minutes. To explain the said delay, he has submitted that because of the on going Ramzan festival, learned counsel for the petitioners could not be present in the Court when the matter was called. However, on the same day, the petition was filed Under Section 70(2) of Cr.P.C. to recall the NBWs issued against the petitioners. Therefore, the Court below ought to have recalled the NBWs since there is no deliberate negligence or otherwise, in attending the Court.

6. Learned Public Prosecutor appearing for the respondent State has not opposed the recall of the NBWs sought in the present Criminal Revision Case.

7. Having regard to the fact that the recall petition has been filed on the same day, this Court is of the opinion that the NBWs issued against the petitioners are liable to be recalled.

8. Accordingly, Criminal Revision Case is allowed recalling the NBWs dated 1.6.2018 issued against the petitioners in C.C.No.641 of 2016 on the file of the Court of VI Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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P. KESHAHA RAO,J

Date: 12.6.2018

KPM

