

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.6109 OF 2018

ORDER:

This criminal petition is filed under Section 482 read with 70 (2) of Criminal Procedure Code (for short "Cr.P.C.") to recall the N.B.W. dated 10.12.2001 pending against the petitioner in C.C.No.153 of 2003 on the file of I Additional Judicial Magistrate of First Class, Karimnagar.

The main reason for seeking recall of N.B.W. is that the case against the petitioner was separated from the other accused and numbered as C.C.No.153 of 2003, but he was under the impression that the case was closed against him also, thereby he did not appear before the Court for the last 17 years and prayed to recall the N.B.W. issued by the Court below.

On 10.12.2001 the petitioner/accused No.1 was absent and there was no representation, hence, N.B.W. was issued against the accused No.1 while posting the matter to 01.03.2002. On 13.02.2003 the case against the petitioner was separated and numbered as C.C.No.153 of 2003, thereafter proceeded against the other accused. The order dated 10.12.2001 is challenged in the present petition after 17 years.

The case is pending for the last 17 years even after separation of the case against the petitioner due to his non-appearance and he was successfully avoiding trial of the case for the last 17 years. Therefore, I find that it is not a fit case to recall N.B.W. issued against the petitioner in view of the conduct of the petitioner and impression of the petitioner is irrelevant for deciding

the present issue. Consequently, the petition is liable to be dismissed.

In the result, the petition is dismissed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

15.06.2018
Ksp

