

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6746 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., challenging the order dated 24.01.2018 passed in Crl.M.P.No.26 of 2018 in C.C.No.930 of 2018 by the II Additional Junior Civil Judge, Miryalaguda dismissing the petition filed under Section 70(2) Cr.P.C. to recall NBWs issued against the petitioners.

The petitioners filed petition under Section 70(2) Cr.P.C. before the Court below to recall NBWs on the ground that they were unable to appear before the Court on the date of adjournment due to their family problem and thereby the Court issued NBWs and that the reason for non appearance on that day before the Court below was not intentional or willful. The Court below dismissed the said petition on the ground that C.C. is coming for examination of the petitioners under Section 251 Cr.P.C. and even on the date of filing the petition, the petitioners did not appear before the Court and consequently, the petition was dismissed.

Learned counsel for the petitioners reiterating the contentions, requested this Court to recall non bailable warrant issued against this petitioners as the Court issued non bailable warrant for their 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 petitioners, without touching the merits of the case, the petitioners are directed to appear before the Court below and file appropriate

application to recall non bailable warrants explaining the reasons for their 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 direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

29.06.2018
kvrn

M. SATYANARAYANA MURTHY, J

