

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO.1842 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for 2nd respondent State.

2. The present Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.195 of 2018 in CC.No.284 of 2016 dated 19.6.2018, dismissing the petition filed under Section 70 (2) of Cr.P.C. for recall of the non-bailable warrants issued on 4.12.2017.

3. The facts of the case are that the petitioner herein is the sole accused for the offence under Section 138 of Negotiable Instruments Act. Since the petitioner has not appeared before the Court below on 4.12.2017 and even prior to that, NBWs were issued by the learned II Additional Judicial Magistrate of First Class. Pursuant thereto, the petitioner filed a petition in CrI.M.P.No.195 of 2018 under Section 70 (2) of Cr.P.C. to recall the NBWs issued against him on 4.12.2017. The Court below, after considering the same, dismissed the said petition on 19.6.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that the petitioner could not appear before the Court below because of the ill-health. He was suffering from spondylitis, therefore, he could not attend before the Court.

5. Admittedly, the petitioner has not filed any documentary evidence to show that he was suffering from spondylitis. That apart, for non-appearance of the petitioner, already NBWs were issued against him on an earlier occasion and the same were recalled. Again the petitioner resorted to the same tactics of not appearing before the Court below and protracting the litigation. On that count, the petition was dismissed.

6. Learned Public Prosecutor appearing for the 2nd respondent State, though opposed the present Criminal Revision Case, requested the Court to pass appropriate orders since the petitioner has to participate in the trial.

7. Keeping in view the said submissions and having regard to the facts and circumstances available in the present case, the Criminal Revision Case is allowed by setting aside the orders passed by the Court below in CrI.M.P.No.195 of 2018 in CC.No.284 of 2016 dated 19.6.2018 on the file of the II Additional Judicial Magistrate of First Class, Godavarikhani, subject to the petitioner paying a sum of Rs.10,000/- to the credit of the Telangana Legal Services Authority, within a period of one week from today.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

P. KESHAVA RAO,J

Date: 16.7.2018

KPM