

THE HON'BLE SRI JUSTICE N.BALAYOGI

Criminal Revision Case No.2273 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

The present revision is filed aggrieved by the order passed in D.D.R.3006/2018 dt.14-5-2018 in C.C. No.04/2017 on the file of the Metropolitan Sessions Judge at Visakhapatnam, wherein the learned Judge returned the application, filed under Section 70(2) Cr.P.C. seeking for recall of the NBW issued against the appellant/accused No.15, in his absence, on the grounds as follows :

1. Accused not present for representing the petition.
2. Without surrender and without obtaining bail how the petition is maintainable to be explained.
3. This petition is not filed for recall of Warrant which was issued for his absence in attending the Court

The record clearly shows that the petitioner found absconded to attend the Court. Even according to the application filed by the petitioner under Section 70(2) Cr.P.C., the petitioner is involved in a case for the offences punishable under Sections 120(B), 420, 406 I.P.C. and Sections 3, 4 and 5 of A.P. Prize Chit and Money Circulation (Banning) Act, 1978 and Section 5 of A.P. Protection of Depositors of Financial Establishment Act, 1999 of Gajuwaka P.S. in crime No.368 of 2012. As the petitioner did not attend the Court, NBW was issued on 19.6.2013. The prayer in the petition is to cancel NBW issued against the petitioner/accused No.15. Since the petitioner sought

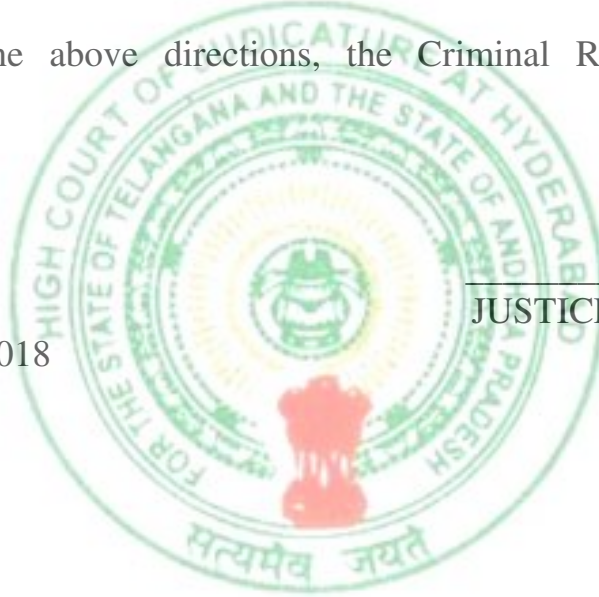
cancellation of NBW, I find no wrong in returning the petition with the objection “The petition is not filed for recall of Warrant, which was issued for his absence”.

In view of the gravity of the charges against the petitioner and as he has involved in more than 7 cases, as per the submission made by the counsel for the petitioner across the bar, I direct the petitioner to surrender before the Metropolitan Sessions Judge, Visakhapatnam and make an application to recall/grant of bail. On such application, the Court can consider and dispose of the same.

With the above directions, the Criminal Revision Case is disposed of.

27th August, 2018

skmr



JUSTICE N.BALAYOGI