

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.2934 OF 2018

ORDER:

This revision is arising out of docket order, dated 26.09.2018 passed in CrI.M.P.No.266 of 2018 in M.C.No.200 of 2013 on the file of the Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad.

2. Learned counsel for the petitioner submits that the trial Court issued N.B.Ws. against the petitioner for his appearance as he failed to appear before the trial Court in the above M.C. The petitioner has filed a petition under Section 70 (2) Cr.P.C. for re-call of N.B.Ws. and the said petition was dismissed by the trial Court as the petitioner failed to appear before the Court. He further submits that the trial Court ought to have passed the order on merits without dismissing the petition.

3. Learned Addl. Public Prosecutor representing the State opposed the contentions raised by the learned counsel for the petitioner and submits that on the date of re-call, the presence of the petitioner is required.

4. The revision petitioner is the respondent in M.C.No.200 of 2013. Section 70 (2) Cr.P.C. is the procedure of warrant of arrest, which reads as under:

“Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.”

5. In the instant case, the petitioner having filed the petition under Section 70 (2) Cr.P.C. has failed to appear before the Court. Therefore, the Court issued N.B.Ws. against the petitioner for assuring his presence in the above

M.C. The petitioner not only evaded execution of N.B.Ws. issued against him, but also filed a petition and failed to appear before the Court. The conduct of the petitioner reveals that he is evading execution of N.B.Ws issued against him. The trial Court rightly dismissed the petition and absolutely, there are no grounds to interfere with the order passed by the trial Court. Moreover, the revision itself is not maintainable for the reason that the order passed by the trial Court is an interlocutory order and it is not deciding the rights of the parties finally.

6. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 01-11-2018
Hsd

