

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.3008 of 2018

ORDER:

This revision is arising out of the docket order dated 23.10.2018 passed in C.C.No.2 of 2017 on the file of the Court of Judicial Magistrate of First Class, Yemmiganur.

2. Brief facts of the case are that the respondent No.2 filed a private complaint against the petitioner herein for the offence under Sections 138 and 142 of the Negotiable Instruments Act, 1881, read with Section 420 IPC.

3. The trial Court has conducted trial and during pendency of the trial, the petitioner could not attend before the Court on 08.10.2018 for Section 313 Cr.P.C. examination. On his petition, the matter was adjourned to 23.10.2018 for conducting Section 313 Cr.P.C. examination. Even on that date, the petitioner was not present and he filed a petition and that was dismissed ordering Non-Bailable Warrant against him. Aggrieved by that order, the petitioner preferred this revision petition.

4. At the outset, the docket order dated 23.10.2018 under challenge is an interlocutory order. As per Section 397(2) Cr.P.C, no revision lies against an interlocutory order passed by the trial Court.

5. Heard the learned counsel for the petitioner, and perused the material on record.

6. Learned counsel for the petitioner submits that the petitioner could not attend the Court on 23.10.2018 as he was held up in Vinukonda when he went to attend for the marriage proposal of his sister. The petitioner has got sufficient reason for not attending, the Court and, therefore, he filed the petition before the trial Court and it was dismissed and NBW was issued.

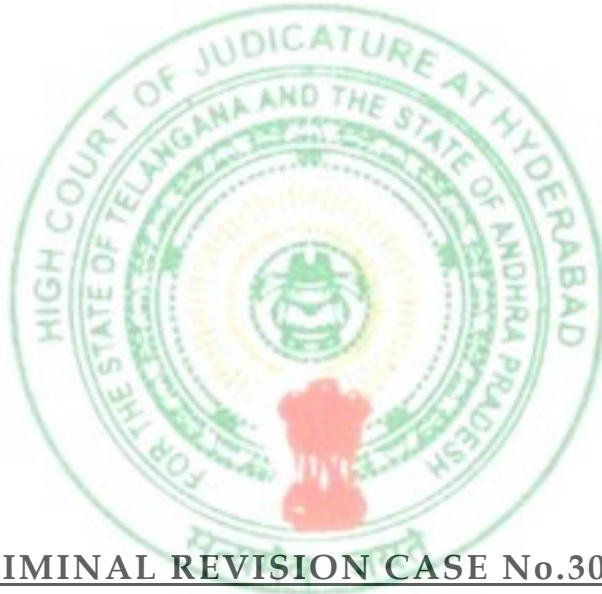
7. As far as this revision petition is concerned, it is not maintainable as the order under challenge is an interlocutory order. However, the petitioner may file a petition under Section 70(2) Cr.P.C. before the trial Court for recalling of NBW and for appearing before the trial Court. The trial Court may consider his petition under Section 70(2) Cr.P.C. and dispose of the same on the same day.

8. With these observations, the revision petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

05th November, 2018
KSM

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