

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.12112 of 2018

ORDER:

Heard before admission and before notice to respondent No.2-complainant of the private complaint in C.C.No.847 of 2017 on the file of the learned Special Judicial First Class Magistrate (for Prohibition & Excise offences) at Nalgonda, registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner-accused.

2. The petitioner filed the present petition impugning the docket order dated 18.06.2018 passed by the learned Special Judicial First Class Magistrate (for Prohibition & Excise offences) at Nalgonda in C.C.No.847 of 2017 which reads as “Complainant present. Accused absent. No rep. Issue NBW against accused. For payment of process, call on 30.07.2018.”

3. It is now seeking to recall NBW. This petition need not be kept pending by ordering notice to respondent No.2 and for responsible by admitting without progress to the case. Thereby, disposing of this Criminal Petition giving liberty to the petitioner to approach in person before the learned Magistrate concerned by filing application under Section 70(2) Cr.P.C. to allow with necessary conditions including to obtain bond under Sections 88 & 89 Cr.P.C. for future reference. Needless to say if at all any such bond earlier executed by the accused

or obtained by the Court, the Court has to impose penalty therein before obtaining fresh bond for non-compliance with earlier bond.

Accordingly and in the result, this Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14.11.2018
MVA

