

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3326 OF 2018

ORDER:

This revision is arising out of order, dated 21.07.2018 passed in CrI.M.P.No.1726 2018 in C.C.No.1327 of 2013 by the XI Addl. Chief Metropolitan Magistrate, Secunderabad.

2. The revision petitioner is A1, who was facing trial in C.C.No.1327 of 2013. During the pendency of trial, the petitioner has filed a petition under Section 70 (2) Cr.P.C. to re-call N.B.Ws issued against him, dated 17.05.2018. The said petition was allowed by the trial Court with certain conditions. Since the petitioner could not comply with the conditions imposed in CrI.M.P.No.1726 of 2018, the trial Court, vide docket order, dated 16.08.2018 passed the order as under:

“ Accused No.1 called absent. CrI.M.P.No.1726 of 2018 to cancel the NBW against accused No.1 is dismissed as terms are not complied. The learned counsel for accused No.1 has submitted that the son of accused No.1 who is one of the sureties to accused No.1 has filed petition to set aside the order dated 12.07.2018 passed forfeiting the FDR of this surety. The office is directed to trace out and place such petition if any. For Secs. 82, 83 Cr.P.C. reports, call on 06.09.2018.”

3. Heard the learned counsel for the petitioner at the stage of admission.

4. Learned counsel for the petitioner submits that the trial Court has passed the order in CrI.M.P.No.1726 of 2018 considering the reasons given by the petitioner, but imposed certain conditions. The petitioner could not comply with the conditions and therefore, the order passed by the trial Court was cancelled, vide docket order, dated 16.08.2018.

5. At the outset, the learned counsel for the petitioner is challenging the order, which is arising out of the order passed in CrI.M.P.No.1726 of 2018. The petitioner has to challenge the docket order, dated 16.08.2018. The petitioner in stead of challenging the docket order, dated 16.08.2018, challenged the order passed in CrI.M.P.No.1726 of 2018, which is actually in favour of the petitioner. Therefore, this revision is not maintainable as the challenge is made against the order passed in CrI.M.P.No.1726 of 2018 and not the docket order, dated 16.08.2018. The petitioner, if aggrieved, may challenge the said docket order by availing appropriate remedy available to him.

6. With the above observation, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 05-12-2018

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