

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No. 3496 of 2018

O R D E R:

This criminal revision case is filed against the order dated 11.10.2018 passed in CrI.M.P.No.1659 of 2018 in CC No.2075 of 2013 by the XI Additional Chief Metropolitan Magistrate, Secunderabad.

The petitioner herein is accused No.3 in the above CC and on the date of adjournment, he was called absent and therefore, the trial court issued Non-Bailable Warrant (NBW) against him on 23.08.2018. He filed a petition to recall NBW on the ground that he was suffering from viral fever and jaundice and took unani medication and as such he could not attend the court on the date of adjournment. The said petition was dismissed by the trial Court observing that the petitioner did not produce any medical record in respect of the treatment undergone by him for his disease. Aggrieved by the same, the present revision case is filed.

Heard learned counsel for petitioner and learned Public Prosecutor.

Learned counsel for petitioner would submit that charge sheet was filed against three accused and the case against accused No.2 was split up as he was shown as absconding and accused No.1 has obtained stay from this Court. The petitioner herein, who is arrayed as accused No.3 has been attending before the court on every adjournment and due to medical reasons, he could not attend the court on the date of adjournment and therefore, sought for a direction to the petitioner to file a fresh petition before the trial court for recalling NBW issued against him by furnishing necessary documents in support of the treatment undergone by him.

Learned Public Prosecutor did not oppose for affording an opportunity to the petitioner to approach the trial court for recalling the NBW issued against him.

Having regard to the facts and circumstances of the case and in the light of the submissions of both the counsel, the criminal revision case is allowed and the order dated 11.10.2018 passed in Crl.M.P.No.1659 of 2018 in CC No.2075 of 2013 by the

XI Additional Chief Metropolitan Magistrate, Secunderabad, is set aside and the petitioner is directed to file a fresh petition before the trial court seeking to recall Non-Bailable Warrant (NBW) issued against him by furnishing relevant documents in proof of the medical treatment undergone by him.

Miscellaneous Petitions, if any pending, shall stand closed.

24.12.2018
Mj/*

GUDISEVA SHYAM PRASAD, J

