

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.963 of 2019

ORDER :

Heard the counsel for the petitioner/A1 in C.C.No.16 of 2018 split up case from original case CC No.786 of 2012, pending on the file of the Chief Metropolitan Magistrate at Hyderabad, wherein the application to recall Non Bailable Warrant (N.B.W.) issued against him in CrI.M.P.No.298 of 2019 dismissed is the impugment herein. The said order dismissing the Non Bailable Warrant recall application supra was dated 30.01.2019. The application filed is without even presence. The very order of the Court clearly speaks he is not even appearing before the Court, even so far 32 witnesses were examined, by avoiding appearance regularly. It is a ruse on his part in saying he underwent two by pass operations in 2013 and 2015 or any paralytic impact in 2016, for not even a case that he is bed ridden unable to move or doctor coming to his house. When he is able to appear before the doctor at hospital, he is supposed to appear before the Court in obedience to the order of the Court in appearance. But failed to appear. Thereby, there is nothing to dismiss the impugned order by the learned Magistrate that too without his presence. However, the fact remains that the petitioner is undertaking now through his advocate that he is going to appear regularly and he is going to appear before the Court by filing fresh petition. Thereby to that extent, the petitioner is permitted, by virtue of this order, to appear before the Court to file fresh application for warrant

recall to be considered, subject to imposing of penalty for the earlier bail bond.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19th February, 2018.

vhb

