

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION No.2679 of 2019

ORDER:

This Criminal Petition is filed seeking to recall the docket order passed in CrI.M.P.No.1987 of 2018 in C.C.No.110 of 2017, dated 22.11.2018.

Learned counsel for the petitioner submits that the petitioner is accused in C.C.No.110 of 2017 and as the petitioner could not appear before the Court below, the Court below ordered issuance of Non Bailable Warrant (NBW). Thereafter, the petitioner filed an application seeking to recall the NBWs under Section 70(2) of Cr.P.C and the case was listed on 22.11.2018. To the misfortune of the petitioner, he could not be present on 22.11.2018 due to his ill-health. Consequently, the Court below has dismissed the said petition. Therefore, the learned counsel for the petitioner contends that, one more opportunity be given to the petitioner to appear before the Court below and let the Court below reconsider and recall the NBWs issued against the petitioner.

Learned Public Prosecutor appearing for the respondents contends that, let the petitioner appear before the Court below and let the Court below pass appropriate orders in accordance with law and recall the NBWs issued against the petitioner.

Having regard to the rival submissions made by the parties, this Court is of the considered view that this Criminal Petition can be disposed of directing the petitioner to appear before the Court below within a period of one week from the date of receipt of a copy of this order. Upon such appearance of the petitioner, the Court below can consider and pass appropriate orders and recall the NBWs issued in accordance with law after being satisfied of the merits of the case.

With the above observations, the Criminal Petition is disposed of. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

08.05.2019
vs

