

HONOURABLE JUSTICE G.SRI DEVI

CRL.P.No.4122 of 2019

ORDER:

This Criminal Petition is filed seeking quashing of the Order of the learned II-Additional Chief Metropolitan Magistrate, Hyderabad, in CrI.M.P.No.879 of 2019 in C.C.No.402 of 2015 dated 04.07.2019.

The petitioner herein is facing trial in the aforesaid C.C.No.402 of 2015 for the offences punishable under Sections 341, 323, 506 and 509 of I.P.C. On 04.07.2017, when the matter was came up for examination of the petitioner under Section 313 Cr.P.C., the petitioner could not appear before the trial Court due to ill-health and as such the Counsel for the petitioner filed a petition under Section 317 Cr.P.C. to condone his absence. While dismissing the said petition, the trial Court issued N.B.W against the petitioner. Thereafter, the petitioner filed a petition under Section 70 (2) Cr.P.C. seeking recall of the N.B.W and the same was dismissed by the trial Court on the ground that the matter was coming up for examination of the petitioner/accused under Section 313 Cr.P.C. Challenging the same, he approached this Court and filed the present Criminal Petition under Section 482 Cr.P.C. seeking quashing of the said order.

Heard both sides and perused the impugned order.

Learned Counsel for the petitioner submits that the petitioner could not attend the trial Court on the aforesaid date as he was not feeling well and that now the petitioner is prepared to appear before the Court below and therefore, the N.B.W issued against him may be recalled.

Having regard to the facts and circumstances of the case and also taking into consideration the offences alleged against the petitioner, this Court deem it appropriate to recall the N.B.W issued against the petitioner/accused.

Accordingly, the Criminal Petition is allowed and the Non Bailable Warrant issued against the petitioner/accused is recalled. The petitioner/accused is directed to appear before the trial Court in connection with the above case within one week from the date of receipt of a copy of this order and also on subsequent hearing dates without fail. The trial Court shall record the factum of the N.B.W against the petitioner/accused being recalled and direct the petitioner to appear for all the future hearings, without fail.

Miscellaneous petitions, if any, pending shall stand closed.

