

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8307 of 2019

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to set aside the docket order 01.8.2019 passed by the learned XI Special Magistrate, Hyderabad, in C.C.No.358 of 2018, whereudner non-bailable warrant was issued against the petitioner.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.2-State and perused the material available on record.

3. Learned counsel for the petitioner submitted that the petitioner/ accused was admitted in Continental Hospitals, Hyderabad, and underwent Coronary Artery Bypass Grafting and was discharged from hospital on 20.7.2019; that on 30.7.2019, the trial Court conditionally allowed the petition filed under Section 317 Cr.P.C. with costs of Rs.1,000/- and directed the petitioner to be present on 01.8.2019; that as there was infection to the wound, the petitioner was again admitted in the hospital and was later discharged on 02.8.2019; and that in the meanwhile, on 01.8.2019, the petition filed under Section 317 Cr.P.C. was dismissed and non-bailable warrant was issued against the petitioner by the Court below; and that therefore, the learned counsel prayed to allow this Criminal Petition.

4. In the light of the submissions made by the learned counsel for the petitioner and having regard to the serious health condition of the petitioner, i.e., he underwent Coronary Artery Bypass Grafting, this Court taking a lenient view, feels it appropriate to set aside the impugned order.

5. Accordingly, the Criminal Petition is allowed and the docket orders, dated 01.8.2019 and 17.12.2019, are set aside. The petitioner is directed to be personally present before the trial Court on 30.12.2019 and furnish a personal bond to the tune of Rs.10,000/- (Rupees Ten thousand only) with two sureties each to the like amount to the satisfaction of the said Court.

6. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

19th December, 2019
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JUSTICE G. SRI DEVI

