

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8656 of 2019

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order, dated 09.12.2019 in CrI.M.P.No.2259 of 2019 in C.C.No.398 of 2009 passed by the VII Addl. Chief Metropolitan Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioners and perused the material on record.

3. The petitioners herein filed the above petition under Section 70 (2) Cr.P.C. on 06.12.2019 to re-call the N.B.Ws. issued against the petitioners-A1 and A2. It is stated by the petitioners that the case was posted for appearance of the petitioners on 21.08.2015, but due to non appearance of the petitioners on the said date, the trial Court was pleased to issue N.B.Ws. against the petitioners. Thereafter also, the petitioners did not appear before the Court. It is stated that the petitioners were under constant medical treatment for voluminous diseases and they are regular visitors to the hospital and the same is continuing till date. Fortunately, they have recovered to certain extent, but they are not in a position to appear before the Court and as such, they have filed the petition to re-call N.B.Ws. pending against them in the light of the

judgment reported in *Shaik Yousuf V State of Andhra Pradesh through P.S. Asif Nagar* ¹

4. The said petition was dismissed by the trial Court on 09.12.2019 on the ground that the petitioners called absent. Hence, this Criminal Petition.

5. Learned counsel for the petitioners has raised various grounds in this quash petition. However, during the course of arguments, he submits that the petitioners shall abide by the conditions imposed by this Court if they are directed to surrender before the concerned Court on a specific date.

6. In the light of the submission made by the learned counsel for the petitioner, the order dated 09.12.2019 in CrI.M.P.No.2259 of 2019 in C.C.No.398 of 2009 passed by the VII Addl. Chief Metropolitan Magistrate, Hyderabad, is hereby quashed. The petitioners-A1 and A2 are directed to surrender before the VII Addl. Chief Metropolitan Magistrate, Hyderabad, on or before 10.01.2020 and file an application to re-call N.B.Ws. issued against them and on filing such an application, the trial Court shall consider the same and re-call N.B.Ws. issued against the petitioners-A1 and A2 on the same day on each of them executing a personal bond for a sum of

¹ 2001 Law Suit (A.P.) 1547

Rs.25,000/- with two sureties for a like sum each to the satisfaction of the said Court.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G.SRI DEVI

DATED: 31.12.2019.

Hsd

Note: issue CC by 02.01.2020.



