

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.180 of 2020

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C to set aside the order, dated 24.10.2019 passed in CrI.M.P.No.1405 of 2019 in CC.No.308 of 2010 by the VI Addl. Chief Metropolitan Magistrate, Hyderabad, by recalling N.B.Ws. issued against the petitioner on 02.08.2018.

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

3. As seen from the record, it is clear that the learned Magistrate passed the order directing to issue N.B.Ws. against the petitioner on 02.08.2018. Thereafter, as many as 19 dates were given by the trial Court, but in none of the dates, no petition whatsoever was filed by the petitioner to recall N.B.W. Finally, the petition was filed to re-call N.B.W issued against the petitioner on the ground of ill-health, but no document whatsoever has been filed showing the illness of the petitioner. The learned Magistrate after considering the material, dismissed the petition on the ground that the crime pertaining to the year 2018 and due to non appearance of the petitioner, the Court could not dispose of the case quite a long time.

4. During the course of hearing, learned counsel for the petitioner submits that the parties have compromised the matter, that non appearance of the petitioner is neither willful

nor wanton and the petitioner is ready to abide by the conditions that may be imposed by this Court.

5. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel for the petitioner and in order to secure the ends of justice, the order, dated 24.10.2019 passed in CrI.M.P.No.1405 of 2019 in CC.No.308 of 2010 by the VI Addl. Chief Metropolitan Magistrate, Hyderabad, is hereby set aside. The petitioner-A1 is directed to surrender before the VI Addl. Chief Metropolitan Magistrate, Hyderabad, positively by 20.01.2020 and on such surrender, N.B.Ws issued against him shall be re-called on his executing a personal bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the said Court. Further, the petitioner is directed to appear personally before the Court concerned on each date of hearing till conclusion of trial. In case the petitioner fails to comply with the above conditions, the order passed by this Court re-calling N.B.Ws. shall automatically stands cancelled and the petitioner shall be taken into custody forthwith.

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

JUSTICE G.SRI DEVI

DATED: 08.01.2020
Hsd



