

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE THIRTEENTH DAY OF APRIL,

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 2684 OF 2023



Between:

Karri Venkata Reddy, S/o. Late Rama Krishna Reddy, Age.45 years,
R/o.D.No.50-52-15/22/7, Flat No.S1, Krishna Villa Apartments, Sitamma
Dhara Krishna Mandiram, Visakhapatnam.

...Petitioner/Accused

AND

1. The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court at Amaravathi.
2. Velamala Yerukalamma, W/o. Suri Demudu, Age.56 years, R/o.
D.No.33-16-4, Ramanadam Street, Kasturibai Street, Vijayawada-10.

...Respondent/Complainant

Petition under Section 482 of Cr.P.C is filed praying that in the circumstances stated in the memorandum of grounds of Criminal Petition, the High Court may be pleased to set aside the Docket Order Dt.29.03.2023 by directing the 1st Addl Chief Metropolitan Magistrate Court, Vishakhapatnam, to recall NBW issued against the petitioner.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of M/s R.Sudha Rani, Advocate for the Petitioner and Public Prosecutor for the Respondent No.1, the Court made the following;

ORDER:

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.2684 of 2023

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to set aside the docket order dated 29.03.2023 by directing the I Additional Chief Metropolitan Magistrate Court, Visakhapatnam to recall NBW issued against the petitioner.

2. Heard the learned counsel for the petitioner/accused and the learned Assistant Public Prosecutor for respondent/State.

3. Learned counsel for the petitioner contended that on 29.03.2023 the petitioner could not attend before the Court as he went to Kasi to perform ceremonial immersion of hastika of his wife in the river Ganga, but the trial Court did not give an opportunity for the petitioner's counsel to make a representation and hurriedly disposed of the matter by directing issue of NBW.

4. Learned counsel for the petitioner submitted that the petitioner has been regular in attending before the Court and would undertake to co-operate with the trial without any fail.

5. Learned Assistant Public Prosecutor representing the 1st respondent is present. The complaint was filed under Section 138 of the Act by the 2nd second respondent.

Contd

6. Since the petitioner can file an application under Section 70(2) Cr.P.C. to recall the warrant issued by the Magistrate, the petitioner is directed to approach the same court and file the appropriate application and the learned Magistrate is directed to dispose of the petition on the same day with appropriate conditions, if necessary, in the event of recalling NBW.

7. Accordingly, giving the petitioner such liberty, the petition is disposed of.

As a sequel, all the pending miscellaneous applications shall stand closed.

//TRUE COPY//

For

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The 1st Addl Chief Metropolitan Magistrate Court, Vishakhapatnam
2. Velamala Yerukamma, W/o. Suri Demudu, R/o. D.No.33-16-4, Ramanadam Street, Kasturibai Street, Vijayawada-10. (by RPAD)
3. One CC to M/s. R.Sudha Rani, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

HIGH COURT

BSBJ

DATED:13/04/2023

ORDER

CRLP.No.2684 of 2023

DISPOSED

