

Crl.M.P.No. 17575/2022

in

C.C.No.6/2022

Dated: 16.09.2022

**Submitted:**

The petitioner/Accused filed Petition U/s. 70 (2) of Cr.P.C Prays that to recall the Warrant pending against the Petitioner/Accused.

**For Orders:**

Heard, the learned counsel for the petitioner. The reason stated in the petition filed u/s.70(2) Cr.P.C is that he was unable to appear before this court on 23.6.1972 due to his personal family emergency situation for the reasons beyond his control and being resident of Uttarkhand, he is not in a position to travel to Chennai and though he informed his counsel, he was not in a position to represent before this court. The petitioner has not disclosed anything as to what was the personal family emergency situation and the reason beyond his control, that has restrained him from appearing before this court on 23.06.2022.

Similarly there is no reason or ground specified as to why the learned counsel for the petitioner could not make his appearance to file petition to dispense with the appearance of the petitioner before the court, inspite of his informing his counsel. Equally there is no reason mentioned in the petition why the petitioner was unable to travel from Uttarkhand to Chennai to appear before this court either on 23.06.2022 or any other date. The petitioner living in Uttarkhand, cannot be a reason to absent himself for the hearing either in person or through counsel.

No way the petition can be held to disclose any reason or much less sufficient reason explaining the absence of petitioner or counsel before this court. Therefore this court does not find any reason much less convincing reason to recall the NBW issued against the petitioner.

In the result, the petition suffers dismissal.

**III Additional Judge**