

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.12823 of 2015

ORDER:

This Criminal Petition is filed by the petitioner-accused under Section 438 Cr.P.C. seeking anticipatory bail in CC No.349 of 2012 on the file of II-Special Magistrate, Visakhapatnam, for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act (for short 'NI Act').

Heard and perused the material available on record.

The de facto complainant filed a private complaint before the Court below against the petitioner for the offence punishable under Section 138 of NI Act. When the matter was posted for defence side evidence, the petitioner did not attend before the Court below and hence, NBW was issued against him.

Learned counsel for the petitioner submitted that originally the case was filed before the Court of III-Metropolitan Magistrate, Visakhapatnam, and thereafter it was transferred to the Court of II Special Magistrate, Visakhapatnam. The petitioner was attending the Court of III-Metropolitan Magistrate regularly and he fell ill in July 2015 and, therefore, he could not attend the Court below when the matter was posted for defence side evidence. He further submitted that the petitioner is ready to appear before the Court below regularly.

Considering the facts and circumstances of the case and in view of the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The petitioner-accused is directed to appear before the Court concerned and file a petition to recall the warrant issued against him and on such filing of a petition, the trial Court is directed to recall the warrant on the same day on his execution of bond for a sum of

Rs.10,000/- (Rupees ten thousand only) with one surety for a like sum and further the petitioner is directed to appear before the trial Court regularly.

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

December 10, 2015.

KTL