

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.25907 of 2015

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India for the following relief –

“ Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondent in not executing NBWs issued by the Hon'ble IX Special M.M., Erramanzil, Hyderabad for filing a false report, not initiating appropriate legal action against the 6th respondent as illegal, improper, arbitrary, unconstitutional and against the principles of natural justice, consequently direct respondents 1 to 5 to execute the warrant issued by the Hon'ble IX Special M.M. Erramanzil, Hyderabad forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up for consideration, written instructions dated 24.8.2015 furnished by the Station House Officer, Dammamet Police Station, Khammam District has been placed on record by the learned Government Pleader for Home and the relevant portion of the same reads as under :

“ It is respectfully submitted that it is a fact that the Hon'ble Court of IX Special Magistrate at Hyderabad had issued Non-Bailable Warrants against the 6th respondent-accused on 20.4.2015 in connection with CC Nos.208 of 2013, CC No.206 of 2013, CC No.207 of 2013 for the offence punishable under Section 138 of the Negotiable Instruments Act.

It is respectfully submitted that for execution of NBWs against the 6th respondent herein, the police of Dammamet of Khammam District had deputed the staff to the address given in the Warrants. The Village Revenue Officer of Dammamet issued a certificate stating that the said warrantee (6th respondent herein) or his family members were not residing in the address given in the warrants since 2 years. A copy of the certificate dt.20.8.2015 issued by the VRO, is filed along with this written instructions for the kind perusal of this Hon'ble Court.

It is respectfully submitted that for execution of NBWs a special team headed by the Head Constable and PC was constituted. They are taking steps for execution of the warrants against the 6th respondent herein.

I humbly submit that I pray this Hon'ble Court to grant some more time to the respondent police for execution of NBWs against the 6th respondent herein and I assure to this Hon'ble Court that the NBWs will be executed as expeditiously as possible against the 6th respondent herein and produce him before the concerned Hon'ble Court as and when he is traced.”

Noticing the said instructions, learned counsel for the petitioners requests to dispose of the writ petition by recording the above written instructions dated 24.8.2015 and direct the police authorities to expedite the process of execution of NBWs.

In view of the above, the writ petition stands disposed of by recording the

above written instructions dated 24.8.2015 furnished by the Station House Officer, Dammamet Police Station, Khammam District and the respondents-police are directed to expedite the process of execution of NBWs. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Kk/ Date:25.8.2015

HONOURABLE SRI JUSTICE A.V.SESHA SAI

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25.8.2015