

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.12814 OF 2015**

**ORDER:**

This petition is filed by the petitioner – accused under Section 438 of Criminal Procedure Code seeking to grant bail in CC No.150 of 2015 on the file of II Additional Chief Metropolitan Magistrate at Visakhapatnam, registered for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act.

The petitioner was convicted and sentenced to undergo simple imprisonment for one year and to pay fine of Rs.10,000/- in default to suffer two months vide Judgment, dated 05.08.2013, passed in CC No.150 of 2015 by the II Additional Chief Metropolitan Magistrate, Visakhapatnam. Challenging the same, the petitioner filed Crl.A. No.236 of 2014 before the Metropolitan Sessions Judge, Visakhapatnam, wherein the appellate Court suspended the sentence passed by the trial Court. As the petitioner did not appear before the appellate Court along with the sureties, the appellate Court issued NBW against him.

The learned counsel for the petitioner submitted that the petitioner is not aware of the fact that after suspension of sentence by the appellate Court, he shall appear before the Court along with the sureties. He further submitted that the petitioner is ready to attend the Court regularly.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that the criminal petition can be disposed of with the following directions:

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 Court concerned 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 the petitioner is directed to appear before the appellate Court regularly.

Accordingly, the Criminal Petition is disposed of.

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**RAJA ELANGO, J**

**December 10, 2015**  
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