

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1124 OF 2014

ORDER:

This Criminal Revision Case is filed against Order, dated 27.05.2015, passed in CrI.M.P. No.1016 of 2015 in C.C. No.312 of 2011, by the Judicial Magistrate of First Class, Palamaner, Chittoor District, whereby the learned Magistrate dismissed the application of the petitioner for recalling the Non-Bailable Warrant issued against him.

The case in brief is as follows:

On a private complaint filed by the de facto complainant, the trial Court took cognizance of the case against the petitioner and 10 others for the offences under Sections 365, 448, 323 and 217 read with 149 IPC. After taking cognizance of the case, the trial Court issued NBWs against accused Nos.1 to 11. After issuance of the NBWs, the accused 1 to 9 were released on anticipatory bail. The petitioner approached this Court and filed CrI.P. No.717 of 2012 for quashing the offences alleged against him. Initially, this Court granted interim stay and subsequently, dismissed the said petition as withdrawn on 23.07.2014. As the NBW was pending against him, the petitioner filed CrI.M.P. No.1016 of 2015 before the trial Court to recall the same. The trial Court dismissed the said application on the ground that since the date of issuance of the NBW, the petitioner did not resort to appear before the trial Court and he failed to show any bonafide reason for cancellation of the NBW issued against him. Challenging the said order and also to cancel the NBW issued against him, the petitioner filed the present revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the order passed by the trial Court is erroneous and without proper appreciation

of the material evidence available on record. He further submitted that as a counter blast to the case in CC No.326 of 2009, the de facto complaint, who is main accused in CC No.326 of 2009, filed the present case against the petitioner and the petitioner is a government employee and if the NBW is not recalled, he would suffer irreparable loss and he is ready and willing to furnish suitable sureties and also ready to obey the conditions imposed by this Court.

Considering the above circumstances, this Court is inclined to pass the following order:

The petitioner is directed to appear before the trial Court and file a fresh application to recall the NBW issued against him on 08.12.2011. On filing of such application, the trial Court is directed to recall the warrant on condition of petitioner executing a bond for Rs.20,000/- (Rupees twenty thousand only) with one surety for the like sum. Further, the petitioner is directed to appear before the trial Court on all hearing dates.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL