

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.9534 of 2015

ORDER:

This criminal petition is filed by the petitioner – Accused under Section 438 of Criminal Procedure Code seeking to grant bail in CC No.632 of 2013 on the file of II Additional Judicial Magistrate of First Class, Nellore, SPSR Nellore District.

Heard and perused the material available on record.

The case of the prosecution is that the de facto complainant is a company, doing business in electrical goods. The petitioner purchased TV, Refrigerator and washing machine for a total sum of Rs.50,000/- from the de facto complainant and issued a cheque for the said amount, drawn on State Bank of India, Collector's office compound, Nellore. The de facto complainant presented the said cheque on 08.03.2015 in his bank, but the same was dishonoured and returned with the endorsement 'funds insufficient.' Hence, the de facto complainant lodged a private complaint before the II Additional Judicial Magistrate of Firsts Class, Nellore, SPSR Nellore District, and the case was taken cognizance by the learned Magistrate and as the petitioner failed to appear before the Court, the learned Magistrate issued NBW against the petitioner on 06.01.2015.

Learned counsel for the petitioner submitted that petitioner is not aware of the proceedings in CC No.632 of 2013 and during the period from 21.09.2014 to 08.05.2015, the petitioner was in medical leave due to some health problems and he came to Hyderabad for better treatment, and he is ready to face the trial.

Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

The petitioner is directed to approach the Court concerned and file an

application to recall the warrant issued against him and on filing of such application, the Court concerned is directed to recall the warrant on the same day on condition of petitioner executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum, for his future appearance before the Court concerned.

Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

September 22, 2015.

KTL