

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.143 of 2015

ORDER:

Petitioners herein are seeking quashment of docket order dated 31.10.2014 in PRC No.79 of 2014 (Cr.No.442/2011 PS Jagtial town) whereunder the learned Additional Judicial Magistrate of First Class, Jagtial, Karimnagar District while taking cognizance of offence under Section 306 IPC against A1 to A3 issued NBWs against them.

The submission of learned counsel for petitioners is that trial Court without considering the facts issued NBWs against petitioners/accused at the very first instance which causes any amount of prejudice to them. He submits that they never absconded or obstructed the investigation and hence the impugned order may be quashed.

Learned counsel relied upon the decision of this Court in CrI.P.No.7995 of 2013 dated 16.08.2013. In the said judgment in similar circumstances, a learned single Judge of this High Court while converting NBW issued by the trial Court to a bailable warrant directed the petitioners therein to surrender before the trial Court and on such surrender they shall be released on bail.

Since the present case stands on the same footing and as the offences involved in the present case are not relating to heinous crime and no instances are brought that during investigation the petitioners absconded or interfered with investigation, this petition deserved favourable consideration.

In the result, Criminal Petition is allowed and NBWs issued by the learned Magistrate against the petitioners/A1 to A3 are converted into bailable warrant and petitioners/A1 to A3 are directed to surrender before the Additional Judicial Magistrate of First Class, Jagtial on or before 04.02.2015 and on such surrender the NBWs shall be recalled.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 22.01.2015

Note: Issue CC in three days.

(bo)

Murthy