

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6532 of 2016

ORDER:

This Criminal Petition, under Section 482 Cr.P.C is filed by the petitioner – accused seeking to quash the proceedings against him in CC No.279 of 2011 on the file of the Additional Judicial Magistrate of First Class, Narsipatnam, Visakhapatnam District.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offences punishable under Sections 406 and 420 IPC. After duly enquiring into the complaint filed by the de facto complainant, the police filed charge sheet. A reading of the charge sheet also reveals some allegations against the petitioner, truth of which can be decided after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

At this stage, learned counsel for the petitioner submitted that since the petitioner was absent before the Court below on 30.11.2015, the Court below issued NBW against the petitioner and the same may be recalled.

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 this criminal petition can be disposed of with the following directions:

The petitioner-accused is directed to approach the Court concerned and file a petition to recall the NBW issued against him and on such petition being filed, the Court concerned is directed to recall the NBW issued against him on the same day on his execution of a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum and further the petitioner is directed to appear before the Court below regularly.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

April 27, 2016.
KTL