

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4299 OF 2016

-
ORDER:

-
This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.172 of 2015 on the file of the Additional Judicial First Class Magistrate, Narsipatnam, Visakhapatnam District, arising out of offences under Sections 353 and 290 IPC.

Heard and perused the material available on record.

This Court is of the view that truth or otherwise of the allegations made against the petitioner can be decided only after due trial. The contentions raised by the learned counsel for the petitioner are to be tried by the Court below and hence, this Court is not inclined to interfere with the proceedings against the petitioner. At this stage, learned counsel for the petitioner submits that the Court below issued Non Bailable Warrants (NBWs) against the petitioner and as such, prays this Court to recall NBWs.

The petitioner is directed to appear before the Court below and file an application for recalling NBWs issued against him on or before 28.04.2016, and on filing of such application, the Court below is directed to recall the NBWs issued against the petitioner on the same day on condition of his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the said Magistrate. The presence of the petitioner before the trial Court is dispensed with except on the dates when the trial Court insists for his appearance. The petitioner is directed to be represented by her counsel before the Court below on all hearing dates.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

29.03.2016

pln