

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5420 of 2016

ORDER

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The present criminal petition is filed seeking to recall the warrant issued against the petitioner/A3 on 30.03.2009 in P.R.C.No.9 of 2011 on the file of I Additional Judicial Magistrate of First Class, Proddatur, Kadapa District.

2. Heard and perused the material on record.

3. A perusal of the material on record, it is evident that though the names of A2 and petitioner/A3 were initially shown in the First Information Report, their names were deleted at the time of filing of the charge sheet. Thereafter, the de facto complainant filed a protest petition raising objections. After considering the statements, the trial Court took cognizance against A2 and A3 for the offences punishable under Sections 302, 109 r/w 34 IPC and under Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (POA) Act, 1989 and issued NBWs against A2 and A3. Hence, the petitioner/A3 filed the present criminal petition to recall the said warrant.

4. Issuance of NBW is to secure the attendance of the petitioner before the trial Court. As the petitioner expressed his willingness to appear before the Court below regularly, the NBW issued against him can be recalled.

5. The Criminal Petition is disposed of, with the following

direction;

The petitioner is directed to surrender before the I Additional Judicial Magistrate of First Class, Proddatur, Kadapa District on or before 11.05.2016 and make an application for recalling of NBW pending against him. On filing such an application, the Court below shall recall the warrant on the petitioner executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum to its satisfaction, failing which, the Court below is at liberty to take appropriate steps. Till such time, the warrant issued against the petitioner is hereby suspended. The petitioner herein is further directed to appear before the Court below on each and every date of adjournment.

Miscellaneous Petitions, if any, pending in this petition shall stand closed.

JUSTICE RAJA ELANGO

19th April, 2016

sj