

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5728 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in C.C.No.4 of 2015 on the file of the Court of the I Additional Munsif Magistrate/I Additional Junior Civil Judge, Narasaraopet, Guntur District, arising out of offences under Sections 420 and 417 IPC.

Heard and perused the material available on record.

Learned counsel for the petitioners fairly conceded that as the petitioner could not able to appear before the Court below at the time of framing of charges, the Court below issued Non Bailable Warrants (NBWs) against the petitioners. He further submits that the absence of the petitioners herein before the Court below is neither wilful nor wanton. He further submits that the petitioner No.2/A.4 is working in Army and it is not possible for him to appear before the Court in view of his job and as such, prays this Court to exempt him from appearing before the Court below even at the time of framing of charges and that the other petitioners are ready to appear before the Court below and will cooperate with the Court below for further proceedings. Hence, he prays this Court to recall the NBWs issued against the petitioners.

Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioners, the presence of the second petitioner/A.4 is dispensed with before the Court below even at the time of framing of charges. He is directed to be represented by his parents. The NBWs issued against the second petitioner/A.4 is hereby recalled. Insofar as other petitioners, i.e., petitioner Nos.1 and 3/A.3 and A.5 are concerned, they are directed to appear before the Court below on the date of framing of charges and file an application for recalling NBWs issued against them and on filing of such application, the Court below is directed to recall the NBWs issued against them on the same day. Further, the presence of the petitioners

before the Court below after framing of charges is hereby dispensed with.

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

JUSTICE RAJA ELANGO

20.04.2016

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