THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5751 OF 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in C.C.No.584 of 2015 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offence punishable under Section 138 of the Negotiable Instruments Act.

Considering the facts and circumstances of the case and the nature of the offence, this Court is not inclined to quash the proceedings in the above C.C.

At this stage, the learned Counsel for the petitioner submitted that NBWs were issued against the petitioner and therefore, the same may be recalled and the presence of the petitioner before the trial Court may be dispensed with.

In view of the above submission, the petitioner-accused is directed to surrender before the trial Court and move an application to recall NBWs issued against him. On such surrender and on such application being filed, the trial Court is directed to recall NBWs issued against the petitioner and release him on his executing a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of the trial Court. Further, the petitioner is directed to file an application before the trial Court seeking to dispense with his presence in the above C.C. If such application is filed, the trial Court is directed to consider the same in accordance with law.

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

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JUSTICE RAJA ELANGO

Date : 21.4.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 21.4.2016

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