

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5842 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 and A-2 in C.C.No.477 of 2015 on the file of Judicial Magistrate of First Class, Vizianagaram.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material on record.

Admittedly, after completion of investigation, the police filed the charge sheet and the same was numbered as C.C.No.477 of 2015, pending on the file of Additional Judicial Magistrate of First Class, Vizianagaram. On perusal of the material on record, it is evident that when the matter was posted to 18-01-2016, the petitioners/A-1 and A-2 were absent, due to which NBW was issued against them and the same was pending for execution.

Without expressing any opinion on the merits of the case and in view of the fact that NBW is pending against the petitioners/A-1 and A-2, ends of justice would be met if the NBW issued against the petitioners is recalled.

Therefore, the petitioners/A-1 and A-2 are directed to surrender before the trial Court and file an application under Section 70 (2) Cr.P.C. seeking to

recall NBW issued against them and on filing of such application, the trial Court shall consider the same and pass appropriate orders for recalling the warrant in accordance with law. However, it is made clear that the petitioners/A-1 and A-2 shall give an undertaking to appear before the trial Court on all the dates of hearing.

With the above direction, the criminal petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 20-04-2016

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