

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45992 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner through his GPA holder, seeking to set aside the NBWs issued against the petitioner in CC No.87 of 2016 on the file of II-Special Magistrate, Hasthinapuram, Cyberabad, Ranga Reddy District, which arose out of CC No.35 of 2016 on the file of III-Metropolitan Magistrate, Cyberabad, Ranga Reddy District, L.B. Nagar, Hyderabad.

Heard and perused the material available on record.

The petitioner is arrayed as an accused in CC No.87 of 2016 before the II-Special Special Magistrate, Hasthinapuram, Cyberabad, for the offence under Section 138 of the Negotiable Instruments Act. Since the petitioner is not attending the Court below, the Court below issued NBWs against him. Therefore, the petitioner requested to recall the NBWs issued against him and also permit him to represent his case through his GPA Holder, before the Court below since he is residing in abroad.

Considering the circumstances of the case, without going into the merits of the case, this Court is inclined to pass the following order:

The execution of NBWs, pending against the petitioner, is suspended till 30.03.2017. The petitioner is directed to surrender before the Court concerned on or before 30.03.2017 and file an application to recall the NBWs pending against him, and on such application being filed, the Court concerned is directed to recall the NBWs pending against the petitioner on the same day, on petitioner

executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum. Thereafter, the petitioner shall represent his case through his GPA holder, regularly on all hearing dates.

Accordingly, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

December 28, 2016.
KTL

