

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37283 of 2016

ORDER:

This writ petition is filed seeking to declare the charge sheet vide C.C.No.541 of 2015, on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, as illegal and arbitrary and consequently to quash the same including NBW and LOC pending against the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is A-1 in Crime No.563 of 2014 on the file of Golconda Police Station, Hyderabad, which was registered on 25.12.2014 on a report made by the 3rd respondent under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act. Thereafter, the police filed charge sheet and the same was re-numbered as C.C.No.541 of 2015, on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad. Since the petitioner was shown as absconding, Non-bailable Warrant was issued against him, which is pending execution. It is further evident that Look Out Notice was also opened against the petitioner/A-1.

After arguing for some time, learned counsel for the petitioner confined his arguments only to the extent of recalling NBW issued against him and also Look Out Notice opened against him. He further submitted that the petitioner/A-1 intends to surrender before the Court and to face the trial by engaging counsel.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and in view of the fact that NBW is pending and Look Out Notice is opened, the petitioner/A-1 is directed to surrender before the concerned Court on or before 18.11.2016 and file an application under Section 70(2) Cr.P.C. seeking to recall NBW issued against him and on filing of such

application, the concerned Court shall recall the warrant on the same day on his execution of a bond for Rs.5,000/- (Rupees five thousand only) with one surety. However, the Look Out Notice alleged to be opened is hereby recalled.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st November, 2016

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