

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42717 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“...mandamus by recalling the Non-Bailable Warrant, pending against the petitioner/accused in C.C.No. 51 of 2014 on the file of the Hon'ble Court of Judicial Magistrate of I class Special Mobile Court, Kadapa, YSR Kadapa District and consequently direct the respondents not to execute the Non-Bailable Warrant, pending against the petitioner/accused in C.C.No. 51 of 2014 on the file of the Hon'ble Court of Judicial Magistrate of I class Special Mobile Court, Kadapa, YSR Kadapa District and to pass such other order or orders as this Honorable Court deem fit and proper in the circumstances of the case.”

3. Heard and perused the material available on record.
4. After arguing for some time, learned counsel for the petitioner confining his argument only in connection with recall for Non-Bailable warrant issued against the petitioner; that the petitioner filed a petition under Section 317 Cr.P.C., before the trial Court, but the same was dismissed and issued NBW against him; and that the petitioner is ready to surrender before the trial Court.
5. Having regard to the facts and circumstances of the case and submission of learned counsel for the petitioner, without going into the merits of the case, the Writ Petition is disposed of directing the petitioner to surrender before the Magistrate concerned on or before 30.12.2016 and file application for recall for warrant. On such application being made, the Magistrate concerned shall consider the same and recall the warrant on the same day on

executing a personal bond for Rs.5,000/- (Rupees five thousand only) with one surety. The petitioner was further directed to appear before the Magistrate concerned regularly. No costs. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 08, 2016.

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Date:08.12.2016

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