

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3565 of 2016

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner seeking to quash the proceeding against him in CC No.1139 of 2015 on the file of the XIX Metropolitan Magistrate, Miyapur (Crime No.85 of 2015 on the file of KPHB Colony Police Station, Cyberabad), wherein the learned Magistrate issued N.B.W. against petitioner-accused while taking cognizance for offences under Sections 420, 406 and 506 IPC.

Heard and perused the material available on record.

The allegations against the petitioner are that she has taken huge amount from the 2nd respondent – de facto complainant as hand loan and when the 2nd respondent asked for repayment of the same, she started blackmailing him emotionally, the truth of which can be decided only after due trial. Hence, this Court is not inclined to quash the proceedings against the petitioner.

At this stage, learned counsel for the petitioner submitted that the NBW is pending against the petitioner and the same may be recalled and also confined his arguments only to the extent of dispensing with the presence of the petitioner before the trial Court.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that this petition can be disposed of with the following directions:

The petitioner-accused is directed to appear before the Court concerned and file a petition to recall the warrant issued against her and on such filing of a petition, the trial Court is directed to recall the warrant on the same day on his execution of bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. The presence of the petitioner before the trial Court is dispensed with and she shall be represented through her counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of.

Consequently, the Miscellaneous Petitions pending if any, shall stand closed.

RAJA ELANGO, J

March 15, 2016.

KTL