

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46060 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in trying to execute the NBW against the petitioner issued by Protection of Civil Rights Court, Karimnagar, in C.C.No.121 of 2009 in the year 2010, against the petitioner, as illegal and arbitrary and consequently to set aside the NBW.

Heard and perused the material available on record.

The case of the petitioner is that the present complaint was lodged by the 3rd respondent, which was registered by the 2nd respondent for the offences under Sections 504, 506 & 290 IPC, alleging that the husband of the 3rd respondent established Sabaya Chit Fund company with partnership of the petitioner and others and her husband left from the said company by resigning and disputes arose between her husband and the petitioner since there were differences in the accounts and keeping that in mind, on 30.04.2008 at about 9.00 p.m., the petitioner and others came to the house of the 3rd respondent, abused and caused inconvenience to her and criminally intimidated to her husband, who was not present in the house and caused nuisance in the locality. The 2nd respondent, after investigation, filed charge sheet and the case was taken on file as C.C.No.121 of 2009 and is pending for trial on the file of the Protection of Civil Rights Court-cum-Judicial Magistrate of First Class, Karimnagar.

The main grievance of the petitioner is that the trial Court issued Non-Bailable Warrant against the petitioner on 25.03.2010 and since then the trial Court was ordering await of NBW and that

now, on the pressure of the 3rd respondent, the 2nd respondent is trying to execute the warrant issued against the petitioner on 25.03.2000.

The truth of the said allegations can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner before the trial Court.

At this stage, learned counsel for the petitioner submitted that the petitioner apprehends that he may be arrested by the 2nd respondent in view of the Non-bailable warrant issued by the trial Court and that the 2nd respondent, on the pressure of the 3rd respondent, is trying to execute the warrant issued against the petitioner on 25.03.2000. Learned counsel for the petitioner further submitted that since the NBW is pending against the petitioner, the same may be recalled and that the petitioner is ready to appear before the trial Court.

Having heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and having perused the material available on record, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioner is directed to appear before the Court concerned and file a petition to recall the warrant pending against him and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on his executing personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. The petitioner is further directed to appear before the concerned Court regularly.

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

RAJA ELANGO,J

Date: 28th December, 2016

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