

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39404 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 registering the complaint and filing charge sheet against the petitioner in C.C.No.245 of 2009, on the file of the XIV Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District, for the alleged offences under Sections 447, 427 and 431 IPC as illegal and arbitrary.

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, alleging that when he has inspected the Pedda Cheruvu (Government Tank), Jalpally Village, Saroornagar Mandal, on receipt of a report from the Assistant Engineer, Sub-Division No.1, North Tanks Division, Secunderabad, he found four persons namely Azam Ahmed, Mujahid, Ramulu and Raja Mallu, on the spot damaging the Pedda Cheruvu and the 2nd respondent, after investigation, filed charge sheet and the case was taken on file as C.C.No.245 of 2009 and is pending for trial on the file of the XIV Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District.

The main grievance of the petitioner is that due to political rivalry, the petitioner's name was implicated in the above said crime and that the petitioner was not aware about registration of the crime and the filing of the charge sheet and that no where the name of the petitioner is mentioned in the complaint. 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 is ready to appear before the trial Court, but in the charge sheet filed against the petitioner and others, it was reported to the Court that the petitioner was absconding, consequently, the trial Court has issued Non-Bailable Warrant against the petitioner and the petitioner apprehends that he may be arrested in view of the Non-bailable warrant issued by the trial Court. Learned counsel for the petitioner further submitted that since the NBW is pending against the petitioner, the same may be recalled.

Having heard the learned counsel for the petitioner and the learned 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 on or before 30.11.2016 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: 16th November, 2016

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