

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42260 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the order dated 5.8.2016 passed in C.C.No.730 of 2015 by the XI Additional Chief Metropolitan Magistrate, Secunderabad.
2. Heard and perused the material available on record.
3. On 5.8.2016 as the petitioner was absent before the Court below, NBWs were issued against him. It is the case of the petitioner that the 3rd respondent filed a false private complaint in the above C.C. for the offence under Section 138 of the Negotiable Instruments Act and the petitioner left India about five years back and he is planning to visit India on 5.12.2016. In the meantime, the order impugned was passed.
4. Considering the facts and circumstances of the case and the nature of the offence, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The petitioner is directed to surrender before the XI Additional Chief Metropolitan Magistrate, Secunderabad, on or before 21st December, 2016 and file an application seeking to recall NBWs issued against him. On such surrender and on such application being filed, the learned Magistrate is directed to recall NBWs issued against the petitioner on the same day and release him on his executing a personal bond for a sum of

Rs.10,000/- (Rupees Ten Thousand only) with one surety for the like sum to the satisfaction of the learned Magistrate.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 5th December, 2016
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