

HON' BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36385 of 2016

ORDER:

This writ petition, under 226 of the Constitution of India, is filed by the petitioner seeking a writ of certiorari, calling for the records relating to CC No.1380 of 2015 on the file of X Additional Metropolitan Magistrate, Secunderabad and quash the same.

Heard and perused the material available on record.

The petitioner is A3 in the above CC No.1380 of 2015 for the offences under Sections 420 and 120-B IPC. The allegation against the petitioner is that he colluded with A1 and A2 and flat and sold the same to A2 to a lower price, by depriving the de facto complainant from purchasing the said flat through Commercial Tax Department, which was under attachment by the Commercial Tax Department. The truth or otherwise of the said allegations can be decided, after due trial. Hence, this Court is not inclined to accede to the request of the petitioner.

When this Court is not inclined to quash the proceedings against the petitioner, learned counsel for the petitioner confined his arguments and requested to recall the NBW pending against the petitioner, and submitted that the petitioner is ready to face the trial.

Considering the facts and circumstances of the case, 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 issued against him and on such filing of a petition, the Court concerned 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, and further the petitioner is directed to appear before the trial Court regularly.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, the Miscellaneous Petitions pending if any, shall stand closed.

October 27, 2016.  
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RAJA ELANGO, J

