

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1695 of 2016

ORDER:

This Criminal Revision Case, under Sections 397 and 401 Cr.P.C., is filed by the petitioner-A2, seeking to set aside order, dated 18.05.2016 passed in CrI.M.P. No.92 of 2016 in CC No.85 of 2009 by the I-Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Bhimavaram, West Godavari District and consequently, recall the NBWs pending against the petitioner.

Heard and perused the material available on record.

The case of the prosecution is that the petitioner is the second wife of A1. The 2nd respondent, who is the first wife of A1, filed a case against A1 to A8 alleging that A1 used to harass her for want of additional dowry and also he had illegal intimacy with the petitioner. On filing of the charge sheet, the Court below took cognizance of the case and since the petitioner did not appear before the Court below, NBWs were issued against her.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against her and due to ill-health, she could not attend before the Court below and subsequently, the matter was compromised between A1 and the 2nd respondent and believing their words, the petitioner did not appear before the Court below and became mum and in the month of January she came to know that NBW is pending against her and the police are searching to arrest her and then, she filed the impugned application to recall of the warrant, but the Court below without going into the merits of the case, dismissed the said application vide order impugned. He further submitted that the petitioner is a government employee and in case she is arrested, she may lose her job and since the matter between A1 and the 2nd respondent was compromised, the NBW pending against

the petitioner may be recalled.

Considering the facts and circumstances of the case and also taking into consideration the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to surrender before the Court concerned, and file an application for recalling the NBW pending against her and on filing of such application, the Court concerned is directed to recall the NBW, on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

RAJA ELANGO, J

June 30, 2016.

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