

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4198 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the docket order dated 28-01-2015 in C.C.No.884 of 2013 passed by the learned Additional Junior Civil judge, Piler issuing NBWs against the petitioners/A-1 and A-2.

Heard the learned counsel for the petitioners/A-1 and A-2 and the learned Public Prosecutor and perused the material on record.

Admittedly, after duly investigating into the complaint lodged by the *de facto* complainant, the police filed the charge sheet against the petitioners and other accused wherein they were arrayed as A-1 and A-2 for the offences punishable under Sections 420 and 406 IPC. It appears that after taking cognizance of the case, the court issued summons to the petitioner and other accused and when such summons were not served on account of the petitioners not available in the given address as per the report of VRO, NBWs were issued against them vide docket order dated 28-01-2015. Challenging the said order, the present criminal petition is filed.

Having regard to the facts and circumstances of the case and in view of the fact that the petitioners are not residing in the given address, without expressing any opinion on the merits of the case, this Court is of the view that as NBWs were issued against the petitioners/A-1 and A-2, it would suffice, in the interest of justice, to direct the petitioners/A-1 and A-2 to surrender before the trial Court and file an application for recalling the NBWs

pending against them.

Therefore, the petitioners/A-1 and A-2 are directed to surrender before the trial Court where the case is pending and file appropriate application for recalling NBWs pending against them and on making of such application, the learned Magistrate shall consider the same on the same day and recall NBWs issued against the petitioners on their execution of a personal bond of Rs.5,000/- (Rupees five thousand only) each with one surety each for their future appearance.

With the above direction, the criminal petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 29-03-2016

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