

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.13126 OF 2015

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/accused seeking to direct the III Additional Judicial First Class Magistrate, Kakinada not to conduct further proceedings in C.C.No.101 of 2009 on the file of that Court so long as the stay granted by the Supreme Court as per the order, dated 3.8.2009, in S.L.P. (Criminal No.5273-5285/2009) is in force, and to recall the orders of NBW issued by the learned Magistrate in between 30.4.2014 to 18.2.2015 and also not to take coercive steps against the petitioner by issuing NBW without service of summons and to follow the procedure prescribed under the Code of Criminal Procedure for the disposal of the case.

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Section 506 I.P.C. and Section 25 of the Indian Arms Act, 1878.
4. After arguing for sometime, learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of dispensing with the presence of the petitioner before the trial Court and also prayed to recall the N.B.W issued against the petitioner by the trial Court and stated that the petitioner is ready to face the trial and he will not flee from the hands of justice.
5. Having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the material available on record, this Court is of the view that this Criminal Petition can be disposed of with the following directions:

The petitioner/accused is directed to approach the Court concerned and file a petition to recall the warrant issued against him and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on his execution of a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. Further, the presence of the petitioner before the trial Court is dispensed with except on the dates on which the learned Magistrate insists for his appearance. The petitioner shall be properly represented through his counsel before the trial Court.

JUSTICE RAJA ELANGO

28.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 28.3.2016

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