

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39567 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the learned Magistrate in taking cognizance of the complaint filed by respondent No.3 in S.T.C.No.28 of 2015 on the file of the Judicial Magistrate of First Class, Puttur against the petitioner herein as well as issuance of non-bailable warrants against the petitioner on 25.7.2015 as illegal and arbitrary and consequently, to set aside the same.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 138 read with 142 of the Negotiable Instruments Act, 1881.
4. After arguing for some time, learned counsel for the petitioner submitted before this Court that the petitioner is ready to face the trial and he will not flee from the hands of justice and hence, the N.B.Ws pending against the petitioner may be recalled.
5. Having heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and having perused the material available on record, this Court is of the view that this Writ 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 shall 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 and further, the petitioner shall appear before the trial Court regularly.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

17.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 17.11.2016

AMD