

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.45854 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of issuing the Non-Bailable Warrants against the petitioner in C.C.No.132 of 2003 on 09-12-2016 as illegal, and arbitrary and for a consequential order to drop all further proceedings by setting aside the Non-Bailable Warrants dated 09-12-2016 issued against the petitioner in CrI.M.P.No.6041 of 2016 in C.C.No.132 of 2003 on the file of the IV Additional Junior Civil Judge, Guntur.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and **perused** the material available on record.

The learned counsel for the **petitioner** submitted that the petitioner is ready to appear before the Court concerned and file a petition to recall the N.B.W. pending against him and prayed a direction to the trial Court to recall the warrant.

Considering the facts and circumstances of the case and also in view of the submissions made by the learned counsel for the petitioner, this Court is of the view that an opportunity can be given to the petitioner to appear before the Court concerned to face the trial.

Accordingly, the petitioner is directed to appear before the Court concerned on or before 30-01-2017 and file an application to recall the NBW

pending against him. On such appearance and filing of the application, the trial Court is directed to recall the warrant, pending against the petitioner, on the same day on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judge concerned.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

28th December, 2016
skmr

