

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40671 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to suspend the docket order, dated 16.9.2016, passed against the petitioner/accused in C.C.No.49 of 2015 on the file of the Additional Judicial First Class Magistrate, Tuni, East Godavari District and consequently, to recall the non-bailable warrant issued by the trial Court on 16.9.2016 and dispense with the presence of the petitioner in the said case till disposal of the main case.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 138 of the Negotiable Instruments Act, 1881.
4. After arguing for some time, learned counsel for the petitioner confined his arguments only to the extent of recalling the N.B.W. pending against the petitioner and submitted that the petitioner is ready to face the trial and he will not flee from the hands of justice and hence, the N.B.W 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:

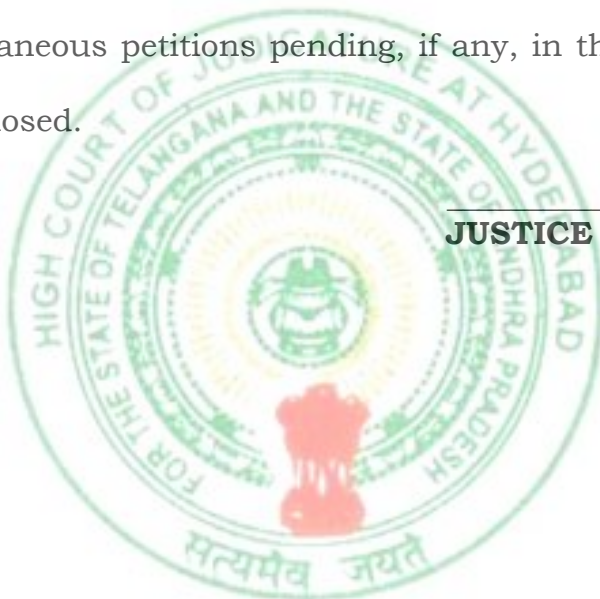
The petitioner/accused is directed to approach the Court concerned and file a petition to recall the warrant issued against him and on such petition being filed, the Court concerned shall recall the warrant on the same day on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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.

24.11.2016
AMD

JUSTICE RAJA ELANGO



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Date: 24.11.2016

AMD