THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.14808 of 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/ accused in PRC.No.52 of 2014 on the file of II Additional Judicial First Class Magistrate, Khammam, arising out of Crime No.560 of 2014 of Khanapuram Haveli Police Station, Khammam District, registered for the offence punishable under Section 354 IPC.

Heard and perused the material.

Admittedly, after completion of investigation into the alleged offence, the police concerned filed charge sheet, which was taken on file as P.R.C.No.52 of 2014 by the II Additional Judicial Magistrate of First Class, Khammam.

After arguing for some time, the learned counsel for the petitioner/accused fairly stated that Non-bailable warrant was issued to the petitioner/accused due to his not appearing before the Court.

Having regard to the facts and circumstances of the case and in view of the fact that NBW issued against the petitioner/accused is pending for execution, it would suffice to direct the petitioner/ accused to surrender before the concerned Court and make an application for recalling the warrant.

Therefore, the petitioner/accused is directed to surrender before the concerned Court and file an application under Section 70 (2) Cr.P.C. seeking to recall NBW issued against him and on

filing of such application, the concerned Court shall consider the same on the same day and recall the warrant on his execution of a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) and also on giving an undertaking to appear before the Court on all future dates of hearing. However, it is made clear that in the event of any necessity, the concerned Court may invoke the provisions of Section 205 Cr.P.C. to dispense with the presence of the petitioner/accused before the Court except on the dates when his presence is specifically required for the purpose of commitment of the case to the Court of Session and for any other purpose in accordance with law.

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

RAJA ELANGO, J

Date: 11-04-2016

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