

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2801 OF 2016

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ORDER:

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This petition is filed by the petitioner-accused challenging the order dated 27.7.2015 passed in C.C.No.640 of 2010 by the IV Additional Chief Metropolitan Magistrate, Visakhapatnam.

The petitioner is alleged to have committed the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act. It is stated that as the petitioner went to USA to visit his sons, he could not appear before the trial Court on 27.7.2015. As he was absent, the learned Magistrate issued NBWs against the petitioner on 27.7.2015. Thereafter, the petitioner filed a petition before the learned Magistrate to recall NBWs issued against him. But the same was dismissed. Hence, the petitioner approached this Court.

Heard and perused the material available on record.

Considering the facts and circumstances of the case, the Criminal Petition is disposed of with the following direction:

“The petitioner is directed to surrender before the trial Court and move a fresh application to recall NBWs issued against him. On such application being filed, the trial Court is directed to recall NBWs issued against the petitioner on the same day on condition of the petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of the trial Court. The petitioner is directed to appear before the trial Court on all hearing dates in the above C.C.”

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 10.3.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 10.3.2016

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