

**HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.4219 of 2016**

**ORDER:**

This Criminal Petition, under Section 482 Cr.P.C., is preferred by the petitioner to quash the order, dated 11.07.2014, in C.C. No.443 of 2010 passed by the Judicial Magistrate of First Class, Sathupalli, wherein the learned Magistrate issued N.B.W. against petitioner-accused, since the petitioner failed to execute personal bond for Rs.10,000/- with two sureties for recalling the NBW.

Heard and perused the material available on record.

The petitioner is alleged to have committed the offence punishable under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner submitted before this Court that the matter was compromised between the parties and the petitioner has paid part of amount to the de facto complainant and that the Court below issued Non Bailable Warrant against the petitioner on 09.05.2014 and the petitioner approached the Court below and filed a recall petition, which was allowed by the Court below on condition of petitioner executing a personal bond for Rs.10,000/- with two sureties for the like sum and posted the matter to 11.07.2014. He further submitted that the petitioner failed to appear before the Court below on 11.07.2014 as he could not get the sureties for the said amount and to that extent he filed an application, but the Court below dismissed the said application and issued NBW against the petitioner.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perused the material available on record, this Court is of the view that this

criminal 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 is directed to recall the warrant on the same day on his execution of bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum and further the petitioner is directed to appear before the trial Court regularly.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

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**RAJA ELANGO, J**

**March 29, 2016**

**KTL**