

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5153 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-2 in C.C.No.176 of 2015 on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, arising out of Crime No.195 of 2014 of Nampally Police Station, Hyderabad, registered for the offences punishable under Sections 420 IPC.

Heard and perused the material available on record.

Admittedly, after completion of investigation into the alleged crime the police filed charge sheet and the same was taken on file against the petitioner and other accused for the alleged offence being numbered as C.C.No.170 of 2015. It is evident from the record that since the petitioner/A-2 was shown as absconding, Non-bailable warrant was issued against him and the same is pending execution.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the view that it would suffice to direct the petitioner/A-2 to surrender before the concerned Court and file a petition for recalling the warrant.

Therefore, the petitioner/A-2 is directed to surrender before the Court where the case is pending 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 pass appropriate orders for his future appearance in the case in accordance with law.

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

RAJA ELANGO, J

Date: 12-04-2016

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