

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41764 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the Non Bailable Warrants, dated 04.11.2016 issued against the petitioner in C.C.No.761 of 2015 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, as illegal and arbitrary and consequently to recall the NBWs issued against the petitioner.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner could not appear before the Court below due to ill-health and that the learned counsel filed a petition for dispensing with the presence of the petitioner, but the learned Magistrate dismissed the petition and issued NBWs against the petitioner. Learned counsel further submits that the absence of the petitioner is neither wilful nor wanton. Hence, he prays this Court to recall the NBWs against the petitioner.

Considering the facts and circumstances of the case, the petitioner is directed to surrender before the Court below and file an application seeking to recall the NBWs issued against the petitioner on or before 14.12.2016 and on such application being filed, the Court below is directed to recall the NBWs issued against the petitioner on the same day on executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance. The petitioner is directed to appear before the Court below regularly.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

01.12.2016
pln