

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2062 of 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner/accused seeking to quash the proceedings in C.C.No.359 of 2015 on the file of the III Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District.

Heard the learned counsel for the petitioner/accused and the learned Public Prosecutor and perused the material available on record.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner that N.B.W. is pending against the petitioner and that the petitioner/accused is ready to surrender before the Court concerned and file a petition to recall the N.B.W. pending against him and prayed a direction to the trial Court to recall the warrant. The learned counsel for the petitioner/accused further submitted that the petitioner/accused is ready to appear before the trial Court on each and every hearing.

Considering the facts and circumstances of the case and also in view of the submissions made by the learned

counsel for the petitioner, this Court is of the view that an opportunity can be given to the petitioner/accused to appear before the Court concerned to face the trial.

Accordingly, the petitioner/accused is directed to surrender before the Magistrate concerned and file an application to recall the NBW pending against him. On such surrender and filing of the application, the trial Court is directed to recall the warrant, pending against the petitioner/accused, on the same day on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety for a like sum to the satisfaction of the said Magistrate and proceed with the trial. Further, petitioner-accused is directed to report before the trial Court on all hearing days.

With the above observation, the Criminal Petition is disposed of. Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

RAJA ELANGO, J.

19-02-2016

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