

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.8965 OF 2016

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ORDER:
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This petition is filed by the petitioner seeking to modify the order dated 26.5.2016 passed in CrI.M.P.No.702 of 2016 in STC No.28 of 2015 by the Judicial Magistrate of First Class, Jammalamadugu, Kadapa District.

The petitioner is alleged to have committed the offence punishable under Section 138 of the Negotiable Instruments Act. He filed CrI.P.No.2732 of 2016 before this Court seeking to quash the proceedings in the above STC. In the said Criminal Petition, it was submitted that NBWs are pending against the petitioner. Then, this Court disposed of the said Criminal Petition. The order in the said Criminal Petition reads as follows:

“The petitioner is directed to surrender before the Court below and file an application seeking to recall the warrant. On filing such application, the Court below is directed to recall the warrant issued against the petitioner on the same day. Thereafter, the presence of the petitioner before the trial Court is dispensed with except on the dates on which the trial Court specifically insists for appearance. The petitioner is directed to be represented by a Counsel on all hearing dates.”

Before filing of application to call NBWs, the petitioner was arrested on 20.5.2016 and he was remanded to judicial custody. On the same day, the Counsel appearing for the petitioner-accused before the Court below filed the above CrI.M.P.No.702 of 2016 for enlarging the petitioner on bail. While enlarging the petitioner on bail, the Court below imposed a condition directing the petitioner to attend to the Court on each and every adjournment. Aggrieved by the said condition, the petitioner filed this petition.

Heard and perused the material available on record.

Considering the facts and circumstances of the case, the above condition imposed by the Court below directing the petitioner to appear

before the Court on each and every adjournment, is modified as follows:

“The petitioner shall appear before the Court below as and when required. He is permitted to be represented through a Counsel on all hearing dates in the above STC.”

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

JUSTICE RAJA ELANGO

Date : 29.6.2016

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DATED 29th June, 2016.

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