

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45986 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the respondents in implicating the petitioner in CC No.1007 of 2013 on the file of the Chief Metropolitan Magistrate, Nampally, Hyderabad and further to declare the NBW issued against the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The brief facts of the case are that the de facto complainant borrowed a sum of Rs.25,000/- from the petitioner, promising to repay the same in 110 days at Rs.250/- per day, and accordingly, paid 50 days and failed to pay the remaining days and when the petitioner demanded to repay the remaining amount, the present complaint is filed with false allegations. Basing on the said complaint FIR No.12 of 2013 was registered before the Bahadurpura Police Station, Hyderabad, and after completion of investigation, charge sheet was filed, which was numbered as CC No.1007 of 2013.

Learned counsel for the petitioner submitted that when the CC was posted for examination of the petitioner, he could not attend the Court below as he wrongly noted down the date of adjournment and therefore, the Court below issued NBWs against him, and hence, he requested to recall the NBWs, pending against him.

In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to approach the Court below and file an application for recalling the NBWs pending against him, and on such application being filed, the Court below is directed to recall the NBWs pending against the petitioner on the same day, on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, and further the petitioner is directed to attend the Court below regularly on all hearing dates.

Accordingly, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 28, 2016.
KTL

RAJA ELANGO, J

