

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.45494 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of respondents 2 and 3 in making attempts to execute the NBW order dated 24-11-2016 issued by the Principal District Judge, Ananthapur in Crime No.91 of 2013 on the file of the Kalyandurg Police Station as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and perused the material available on record.

The learned counsel for the petitioner submitted that the petitioner 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 further submitted that the petitioner 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 to appear before the Court concerned to face the trial.

Accordingly, the petitioner 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, on the same day on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the said Magistrate.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

26th December, 2016
skmr

