

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4499 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.) to quash the proceedings in C.C.No.497 of 2009 on the file of the Special Mobile Judicial First Class Magistrate, Kakinada, arising out of offence under Section 420 IPC read with Section 34 IPC.

Heard and perused the material available on record.

This Court is of the view that truth or otherwise of the allegations made against the petitioner can be decided only after due trial. The contentions raised by the learned counsel for the petitioner are to be tried by the Court below and hence, this Court is not inclined to interfere with the proceedings against the petitioners. At this stage, learned counsel for the petitioner submits that the Court below issued Non Bailable Warrants (NBWs) against the petitioner and as such, prays this Court to recall NBWs.

The petitioner is directed to appear before the Court below and file an application for recalling NBWs issued against him on or before 20.04.2016, and on filing of such application, the Court below is directed to recall the NBWs issued against the petitioner on the same day on condition of his executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the said Magistrate. Further, the petitioner is directed to appear before the Court below on all hearing dates.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

31.03.2016

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