

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9371 of 2017

ORDER :

This petition is filed by the petitioner/ accused under Section 482 Cr.P.C., seeking to quash the docket order dated 25.07.2017 in CrI.M.P.No.296 of 2017 in C.C.No.43 of 2016 on the file of the Judicial Magistrate of First Class, Railway Kodur.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State before ordering notice to the 1st respondent and perused the grounds urged in the quash petition.

The order of the Court below no way requires interference in implementing the order of this Court dated 03.01.2017 in W.P.No.46851 of 2016 of personal appearance directed therein, that too, when the impugned order of the Magistrate is very clear that pursuant to this Court's order, the N.B.W. cancelled and recalled subject to executing a bond for future due appearance for a fixed sum to the satisfaction of the learned Magistrate and she shall appear in connection with the matter before the trial Court. The bond execution must be by personal appearance.

Having regard to the above, though, practically another Bench of this Court, by virtue of the order cancelled the N.B.W.,

it is because of the subsequent N.B.W. issued for non-appearance and not chosen to recall for the absence, as order speaks of personal appearance, the petitioner is granted fifteen days time from today to appear before the learned Magistrate and file application for recall by trial Court pursuant thereto by obtaining fresh bond if any.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:09-10-2017

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Dr. B. SIVA SANKARA RAO, J

