

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.864 of 2017

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India challenging the action of the official respondents in filing charge sheet in Crime No.133 of 2010 on the file of the 2nd respondent, showing the petitioner as absconding in spite of the subsistence of interim stay granted by this Court in Crl.P.No.9306 of 2011, dated 30.9.2011.

2. Heard and perused the material available on record.

3. The petitioner is alleged to have committed the offence punishable under Section 3(1)(x) of SCs & STs (POA) Act. It is the case of the petitioner that earlier he filed Crl.P.No.9306 of 2011 before this Court challenging registration of crime No.133 of 2010, and this Court granted interim stay, and subsequently, the police completed the investigation and filed the charge sheet showing the petitioner as absconding. The said charge sheet was registered as PRC No.68 of 2011 on the file of the Additional Judicial Magistrate of First Class, Kadiri. The learned Magistrate issued NBWs against the petitioner.

4. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the petitioner, this Court is inclined to pass the following order:

“The petitioner is directed to surrender before the learned Magistrate and file an application seeking to recall NBWs issued against him. On such surrender and on such application being filed, the learned Magistrate is directed to

recall NBWs issued against the petitioner on the same day and release him on 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 learned Magistrate. The petitioner is directed to appear before the learned Magistrate on all hearing dates in the above PRC.”

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 5th January, 2017
Nn

RAJA ELANGO, J



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