

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8958 OF 2017

ORDER:

Heard learned counsel for the petitioner/accused of C.C.No.29 of 2013, pending on the file of Additional Judicial First Class Magistrate, Razole, East Godavari District and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the 2nd respondent and perused the docket proceedings of the learned Magistrate.

2. The learned Magistrate is no doubt justified in the NI Act offence, outcome of private complaint of the 2nd respondent – complainant, covered by C.C.No.29 of 2013, even the accused by taking more than three adjournments not choosing to cross-examine P.W.1 including for the absence of accused with no representation much less by filing a petition to condone the absence of the accused by the counsel for accused in issuing N.B.W.

3. Having regard to the above, instead of the ultimate purpose of executing the NBW is to secure him before the court and if necessary to obtain fresh bonds by imposing penalty on the existing bond from what is contemplated by the bonds to be obtained under section 88 Cr.P.C. instead of so relegating to do the same by the trial court by filing fresh petition, this criminal petition is disposed of, directing the

petitioner to submit before the lower court and furnish fresh bonds for the lower court to accept on imposing penalty on the earlier bond for the non-appearance and proceed with the trial.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

22.09.2017
SS

