

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45420 of 2016

ORDER:

This writ petition is filed seeking to declare the issuance of Lookout Circular (LOC) against the petitioner in Crime No.34 of 2013 by the 3rd respondent against the petitioner, as illegal and arbitrary and consequently to recall the same.

Heard and perused the material available on record.

The case of the petitioner is that the 4th respondent lodged the present complaint against the petitioner before the 3rd respondent alleging that the marriage between the 4th respondent and the petitioner was performed in the year 2004 and at the time of marriage, the parents of the 4th respondent gave Rs.2,00,000/- cash, 25 tulas of gold ornaments and one Honda Bike worth Rs.80,000/- to the petitioner and his parents as dowry, but after marriage, the petitioner along with his parents, started harassing the 4th respondent for want of additional dowry of Rs.10,00,000/- and abused the 4th respondent in filthy language and also beat her. Based on the above said complaint, the 3rd respondent registered a case in Crime No.34 of 2013 against the petitioner for the offences under Sections 324 & 498-A IPC and Section 4 of the Dowry Prohibition Act. The 3rd respondent, after investigation, filed charge sheet and the case was taken on file as C.C.No.322 of 2013 and is pending for trial on the file of the XIII Additional Chief Metropolitan Magistrate at Hyderabad.

The main grievance of the petitioner is that in the charge sheet filed against the petitioner, it was reported to the Court that the petitioner was absconding, consequently, the trial Court has

issued Non-Bailable Warrant against the petitioner and the 3rd respondent has also issued Lookout Circular against the petitioner to secure his presence for being prosecuted and that the petitioner apprehends that he may be arrested in view of the Non-bailable warrant issued by the trial Court.

At this stage, learned counsel for the petitioner submitted that the petitioner is ready to appear before the trial Court. Learned counsel for the petitioner further submitted that since the NBW and Lookout Circular are pending against the petitioner, the same may be recalled.

After arguing for some time, learned counsel for the petitioner confined his arguments only to the extent of recalling NBW issued against him and also Look Out Notice opened against him. Learned counsel further submitted that the petitioner intends to surrender before the Court and to face the trial by engaging counsel.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The execution of Look Out Circular issued against the petitioner is suspended. The petitioner is directed to surrender before the concerned Court on or before 28.02.2017 and file an application seeking to recall NBW issued against him. On filing of such application, the concerned Court shall recall the warrant on the same day on the petitioner's execution of a personal bond for Rs.5,000/- (Rupees five thousand only) with one surety for the like sum. The petitioner is further directed to appear before the concerned Court regularly. Thereafter, the petitioner shall

represent his case through his GPA holder regularly on all hearing dates. The petitioner is further directed to appear before the concerned Court regularly.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 2nd January, 2017

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