

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1442 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings in C.C.No.182 of 2014 on the file of learned Additional Judicial Magistrate of First Class, Karimnagar.

2. Sri T.K. Raj Kumar, learned counsel representing Smt. M. Radha, learned counsel for the petitioner – accused No.3, while pleading innocence and false implication of the petitioner, would submit that the petitioner never received any summons and recently, he came to know about issuance of Non-bailable Warrant against him in the aforesaid C.C., as he was residing at Bapatla, Guntur District, whereas the C.C. is pending in the local Court of Karimnagar. It is also his submission that the learned Magistrate, without issuing summons in the first instance, ought not to have issued Non-bailable Warrant directly and that too, merely basing on the averment made in the charge sheet to the effect that, though, police made all efforts, they could not trace the petitioner and as such, Non-bailable Warrant be issued against the petitioner.

3. Heard learned Additional Public Prosecutor for the State of Telangana.

4. So far as issue of summons or otherwise is concerned, the same is exercise of discretion by the learned Magistrate. Be that as it may, the charge sheet would contain an averment made by the Investigating Officer that all efforts to apprehend the petitioner proved futile and there was no possibility of arresting him in the near future. Basing on such averment, learned Magistrate issued Non-bailable Warrant, which cannot be faulted. Even otherwise, since the learned counsel for petitioner confines the relief in the present petition to that of recalling of Non-bailable Warrant from the main relief to quash the proceedings in the C.C., the course open to the petitioner is to appear before the learned Additional Judicial Magistrate of First Class, Karimnagar, and make a suitable application either for grant of bail or for recall of Non-bailable Warrant under the relevant provisions of law. In case, such an application or request is made, the learned Magistrate is directed to consider the same in accordance with law on the same day.

5. With the above observation, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.
MD