

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to call for the records relating to the order, dated 26.11.2016, in CrI.M.P.No.4038 of 2016 in C.C.No.77 of 2015 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad and quash the proceedings thereon.

2. Heard and perused the material available on record.

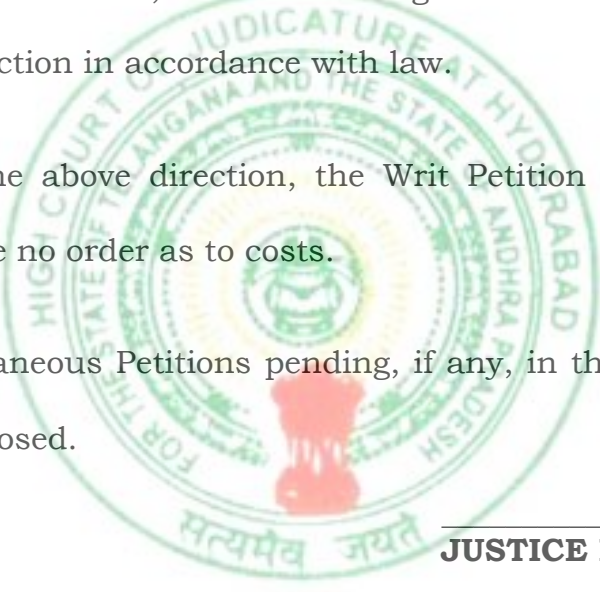
3. Case of the petitioners is that basing on a complaint given by one Mr.Nalli Peddi Raju, respondent No.2 registered a case against them in F.I.R.No.146 of 2014 for the offences punishable under Sections 420, 448 and 506 read with 34 I.P.C. and later, respondent No.2 filed charge sheet before the XVI Additional Metropolitan Magistrate at Nampally and the same was numbered as C.C.No.77 of 2015; that they approached this Court and filed CrI.P.No.6661 of 2016 and the same was disposed of on 28.4.2016 dispensing with their appearance before the trial Court except on the dates of framing of charges, if any, examination under Section 313 Cr.P.C. and on the date of pronouncement of judgment; that they were summoned to appear before the XVII Additional Chief Metropolitan Magistrate, Hyderabad in relation to C.C.No.77 of 2015 on 26.11.2016 and on that day, they were absent and filed CrI.P.M.P.No.4038 of 2016 under Section 317 Cr.P.C. and the same was dismissed by the learned Magistrate; that the learned Magistrate also issued N.B.Ws in C.C.No.77 of 2015 on 26.12.2016.

4. Considering the facts and circumstances of the case, the petitioners are directed to approach the Court concerned on or before 30.1.2017 and file a petition to recall the warrants issued against them and on such petition being filed, the Court concerned shall recall the warrants on the same day on their execution of a bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each. However, whenever specific dates are given by the learned Magistrate for the appearance of the petitioners, they shall appear before him on the said dates. If the petitioners fail to do so, the learned Magistrate is at liberty to take appropriate action in accordance with law.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

3.1.2017
AMD

 **JUSTICE RAJA ELANGO**

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Date: 3.1.2017

AMD