

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1943 OF 2017

ORDR:

The present petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the Code') requesting this Court to set aside the orders of issue of Non-Bailable Warrant (NBW), dt. 13.08.2016 in Criminal M.P.No.1096 of 2015 in M.C. No.4 of 2014 on the file of Judge, Family Court, Vijayawada.

2. Heard Sri P. Rajeswar Rao, learned counsel for the petitioner.

3. In the fact situation occurring in the present criminal petition, I am of the view that there is no need to effect service on the respondents 2 & 3 herein.

4. As could be gathered from the submissions of the learned counsel for the petitioner and the orders recorded by the Court below in Criminal M.P.No.1096 of 2015 in M.C. No.4 of 2014, the Court has earlier directed the petitioner to deposit 50% of Rs.1,20,000/- i.e., Rs.60,000/- as a condition precedent to recall NBW earlier issued against the petitioner, and the petitioner obliged the same by paying the same as per the proceedings recorded on 13.5.2016 and the balance amount of Rs.60,000/- is due and since the same was not paid despite affording chances to the petitioner, the Court below, finally, on 13.8.2016, again issued NBW directing the matter to be listed on 8.10.2016, for payment of process by the respondents.

5. It appears that on 8.10.2016, process was paid and the subsequent orders dated 21.10.2016, 25.11.2016 and 27.1.2017 would show that NBW was pending and registered post was served and ordered to be listed on 3.3.2017.

6. Learned counsel for the petitioner, now, would submit that the matter stood posted to 30.03.2017 and he ensures that the balance amount of Rs.60,000/- would be paid by the petitioner on or before 30.03.2017.

7. Having regard to the submissions made by the learned counsel for the petitioner that the petitioner would pay the balance amount on or before 30.03.2017 by way of Demand Draft to the respondents 2 & 3, execution of NBW is stayed only till 30.03.2017.

8. Criminal Petition is, accordingly, disposed of. It is made clear that in case the petitioner commits any default, the Court below is at liberty to get the NBW executed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

Dt. 09.03.2017

Note:- CC by tomorrow.

(B/O)
gbs