

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1209 of 2017

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in C.C. No.519 of 2016 on the file of the IV Special Magistrate, Visakhapatnam.
2. Heard and perused the material available on record.
3. The petitioner is alleged to have committed the offence punishable under Section 138 of the Negotiable Instruments Act. Since the above case has arisen out of the transaction between the individuals, this Court is not inclined to interfere with the proceedings in the above C.C. At this stage, the learned Counsel for the petitioner submitted that NBWs were issued against the petitioner and the same may be recalled.
4. In view of the above submission, this Court is inclined to pass the following order:

“The petitioner is directed to surrender before the learned IV Special Magistrate, Visakhapatnam and file an application seeking to recall NBWs issued against him. On such surrender and on such application being filed, the learned Magistrate is directed to recall NBWs issued against the petitioner on the same day and release him on his executing a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of the learned Magistrate. The petitioner is directed to appear before the learned Magistrate on all hearing dates in the above C.C.”

5. With the above direction, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 6th January, 2017
Pln



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