

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.679 of 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the proceedings in CC No.1178 of 2015 on the file of the Chief Metropolitan Magistrate, Vijayawada.

Heard and perused the material available on record.

The case of the petitioner is that he is arrayed as accused No.2 in CC No.1178 of 2015 on the file of Chief Metropolitan Magistrate Vijayawada, for the offence under Section 138 of the Negotiable Instruments Act. After perusing the records, this Court is not inclined to grant the relief sought for by the petitioner. At this stage, learned counsel for the petitioner submitted that the petitioner failed to appear before the Court below as he has no knowledge about the case, and therefore, the Court below issued Non-Bailable Warrants against him and hence, he requested to recall the same.

Considering the circumstances of the case and the grievance of the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to approach the Court concerned and file an application for recalling the NBWs pending against him and on such application being filed, the Court concerned is directed to recall the NBWs pending against the petitioner on the same day, on petitioner executing a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum and further the petitioner is directed to appear before the trial Court regularly on all hearing dates.

Accordingly, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

January 05, 2017
KTL

