

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9536 of 2017

ORDER :

Heard the learned counsel for the petitioner/ accused and the learned Public Prosecutor representing the State before ordering notice to respondent No.2/ de facto complainant of C.C. No.9 of 2017 on the file of the XV Additional Chief Metropolitan Magistrate, Hyderabad, where taken cognizance for the offences punishable under Sections 498-A and 506 I.P.C. against the petitioner/ accused, which is outcome of crime No.163 of 2016 of WPS North Zone, Hyderabad, on the report of the 2nd respondent and perused the grounds urged in the Criminal Petition.

During the course of investigation, the petitioner is shown as abscondance. He is even shown in the petition as resident of Kuwait. There is NBW pursuant to it from post cognizance by the learned Magistrate rightly. The learned counsel for the petitioner submits that the petitioner is going to surrender before the learned Magistrate and file application for recall of N.B.W. Recall of N.B.W. does not arise, but for, if at all to obtain regular bail.

A perusal of the record shows the accusation on the petitioner. Hence, there is nothing to interdict the trial proceedings, much less, to admit the petition, but for, to seek enlargement on bail after surrender of the petitioner.

If there are no grounds to frame charge, liberty is given to file application under Section 239 Cr.P.C before the learned Magistrate. Needless to say, from the oral undertaking by the learned counsel on

behalf of the petitioner before this Court that the petitioner is going to land in India and produce before the Court. Considering the same, one month time is granted to the petitioner to appear before the Court and surrender by application under Section 44 Cr.P.C., and the Police shall not arrest the petitioner, pursuant to the NBW issued, which is suspended meantime.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:12-10-2017
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Dr. B. SIVA SANKARA RAO, J

