

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.5915 of 2022

ORDER:

Heard the submission of learned counsel for the petitioner as well as learned Assistant Public Prosecutor.

2. This criminal petition is filed seeking the Court to cancel the Non Bailable Warrant (NBW) and also to suspend the lookout circular that is issued against the petitioner in connection with C.C.No.16050 of 2019 that is pending on the file of the Court of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.

3. Learned counsel for the petitioner submits that the petitioner, who is arrayed as accused No.1 is at United States of America (USA), eaking out livelihood and he never intended to escape from the jurisdiction of the Court or to stall the proceedings and, therefore, the NBW issued has to be cancelled.

4. The learned Assistant Public Prosecutor states that as the petitioner failed to appear before the Court concerned, NBW was issued and in case the petitioner appears, he has no objection for cancellation of NBW.

5. Once Non-Bailable Warrant is issued by a competent Court, it is not desirable to cancel the same. Further, the said NBW can be recalled in case the petitioner/accused, against whom the NBW was issued, appears before the Court and submits the reasons for non appearance and when the Court is satisfied by the said explanation.

6. It is submitted that as the petitioner was eaking livelihood at United States of America, he could not appear before the concerned Court. Learned counsel for the petitioner also states that petitioner/accused will definitely appear before the concerned Court.

7. Having regard to the said submission, this Court considers desirable to allow the petition as prayed for.

8. In the result, the petition is allowed with the following directions:-

- a) A1 is directed to appear before the Court of XV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, in connection with the proceedings that are pending against him in C.C.No.16050 of 2019 within one month.
- b) In case the petitioner/A1 makes his appearance and produces sufficient solvency to the satisfaction of the Court, Non Bailalbe Warrant issued against him shall be recalled.
- c) The lookout circular issued against the petitioner/A1 shall stand suspended for a period of one month from this day.

This Criminal Petition is accordingly disposed of.

DR. CHILLAKUR SUMALATHA, J

Date: 06.07.2022

NOTE :
CC by 07.07.2022
B/o : PSSK