

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.8744 and 8986 of 2015

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COMMON ORDER :

Heard learned counsel for the petitioners, who are A.1 and A.3 in CrI.P.No.8744 of 2015 and A.2 in CrI.P.No.8986 of 2015, of S.C.No.26 of 2011 on the file of the VII Additional District and Sessions Judge-cum-Special Sessions Judge for trial of cases under SCs & STs (POA) Act, 1989, Ranga Reddy District, for the offences punishable under Sections 323, 352, 427, 447 and 506 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act'), which is an out come of private complaint of the complainants and allotted P.R.C.No.68 of 2007.

2. It appears, the petitioners/A.1 to A.3 in the said private complaint appeared pursuant to the warrants issued way back in 2007 and after the case was committed to the Court of Sessions, cognizance has taken by the learned Special Judge under Section 193 Cr.P.C. for the offences supra. The petitioners appeared for some adjournments and later failed to appear, from which N.B.Ws. issued and they filed an application for recall of warrants without their presence that too before learned Special Judge and it was ended in dismissal by holding that the matter was posted on 19.04.2011 for

appearance of the petitioners/accused and on that day they were present and later on for one adjournment i.e., on 22.08.2012 and they were absent all through and the N.B.Ws. issued on 24.10.2014 and in between for nearly 20 adjournments they refrain their attendance and thereby held no grounds for recall of warrant saying several absence of applications filed under Section 317 Cr.P.C. in between the period allowed, ultimately dismissed for no grounds to continue their absence on 24.10.2014 in issuing N.B.Ws as it is the said order dated 31.07.2015 made by petitioners/A.1 to A.3

3. As per the Chapter-XXXIII of Cr.P.C., particularly, so far as N.B.Ws. concerned, clause (5) of Section 437 Cr.P.C. and clause (2) of Section 439 Cr.P.C., once a bail is granted unless the same is cancelled the bail continues to be in force, but for to say in the event of the absence and non production of sureties, the remedy is to forfeit the bonds and to collect the penalty and to obtain fresh bonds unless the earlier bail is cancelled. A perusal of the impugned order of the learned Judge also shows their bails were not cancelled even by invoking Section 439(2) Cr.P.C. It is made clear there from that the bail order is in force. The petitioners/accused committed default for the enforcement of the bonds of due appearance not only their personal bonds for Rs.20,000/- each but also to the two sureties for each with like sum to produce them for future adjournments, once that is committed breach, the

bail bonds are liable to be cancelled.

4. Having regard to the above, so far as the order dismissing the N.B.Ws. concerned, for this Court while sitting against as it is a reasoned one, there is nothing to interfere but for by disposing of the criminal petition saying the bonds are forthwith cancelled by virtue of this order for the breach committed and the learned Special Judge shall accept fresh bonds from the accused persons with fresh solvency subject to payment of Rs.10,000/- each petitioners/A.1 to A.3 as penalty for the default committed for earlier due non appearance also by the sureties for non production.

5. Accordingly, this criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

16th September 2015.

Note:

Issue C.C. by 21.09.2015.

(b/o)

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