

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2444 of 2015

ORDER

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This criminal revision case is preferred challenging the docket orders dated 16.06.2015 and 21.08.2015 passed in C.C.No.203 of 2015 by the learned VI Additional Judicial Magistrate of First Class, Rajahmundry.

2. The aforesaid C.C. was registered against the petitioner for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881. On 16.06.2015, the trial Court passed the following order;

“Both parties called present. Sri K.J.K. Advocate filed vakalat for accused. Copies are furnished to the accused. He is directed to execute his personal bond for Rs.60,000/- today and also to produce one surety for a like sum as required under Section 88 of Code of Criminal Procedure on or before 21.08.2015 since the cheque amount is Rs.17,13,600/- finally for compliance call on 21.08.2015”.

On 21.08.2015, the trial Court passed the following order;

“Complainant present. Accused absent. No representation. No surety is produced. Hence issue NBW on process. Call on 08.12.2015”.

3. Learned counsel for the petitioner contends that though the petitioner appeared on 16.06.2015, the trial Court ought to have directed him to execute a personal bond for Rs.60,000/- on the same day and also to produce one surety for the like sum, and as the surety amount is excessive, he could not produce the same. He further submits that as the petitioner went to Palakollu to attend

a death ceremony, he could not attend the Court on 21.08.2015 and he undertakes to appear before the Court regularly. Thus, he prays to modify the surety amount and to recall the NBW pending against the petitioner.

4. Admittedly, on 16.06.2015, the petitioner/accused was present before the trial Court. But the trial Court directed him to execute a personal bond for Rs.60,000/- on the same day and also to produce one surety for a like sum on or before 21.08.2015, on which date the petitioner was absent and the trial Court issued NBW against him. Considering the facts and circumstances of the case, this Court is of the view that the surety amount as ordered by the trial Court appears to be excessive. Therefore, the same is reduced to Rs.5,000/- with one surety for the like sum. Further, issuance of NBW is to secure the attendance of the petitioner before the trial Court. As the petitioner expressed his willingness to appear before the trial Court regularly, the NBW issued against him can be recalled.

5. The Criminal Revision Case is accordingly disposed of, and the petitioner is directed to surrender before the trial Court and make an application for recalling of NBW pending against him. On filing such an application, the trial Court shall recall the warrant pending against the petitioner. On the same day, the petitioner shall execute his personal bond for a sum of Rs.5,000/- with one surety for a like sum to the satisfaction of the trial Court in stead of Rs.60,000/-. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

7th October, 2015
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