

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2323 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 28.08.2015 passed in CrI.M.P. No.3029 of 2015 in Cr.No.129 of 2015 by the Judicial Magistrate of First Class at Miryalaguda, Nalgonda District.

Heard and perused the material available on record.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure before the Court below seeking to release the crime vehicle i.e., Lorry bearing registration No.HR 47 C 8319. The learned Magistrate ordered for return of the vehicle vide impugned order, by imposing the following conditions:

“1.The petitioner shall execute a personal bond for Rs.10,00,000/- with one surety for a likesum.

2.The petitioner shall give an undertaking to produce the vehicle as and when required by this Court and also an undertaking not to alienate, encumber or alter the physical features of property.

3. Retain the original RC.”

Challenging the condition of executing personal bond for a sum of Rs.10,00,000/-, the petitioner filed the present revision.

Learned counsel for the petitioner submitted that the learned Magistrate has erred in imposing the condition of executing personal bond for Rs.10,00,000/- by the petitioner and the petitioner is not in a position to execute the bond for such a huge amount. He further submitted that if the vehicle is kept idle for a long period, there is every possibility of it getting damaged and hence, the vehicle may be released by setting aside the above condition.

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

The order, dated 28.08.2015, passed in CrI.M.P. No.3029 of 2015 in Cr.No.129 of 2015 by the Judicial Magistrate of First Class at Miryalaguda, Nalgonda District, is modified to the extent of executing personal bond for a sum of Rs.10,00,000/- with one surety for a like sum, by the petitioner and the petitioner is directed to execute a personal bond of a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety, instead of Rs.10,00,000/- with one surety. The other conditions in the impugned order shall remain unaltered.”

With the above modification, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

November 02, 2015

KTL