

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3126 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the docket order, dated 12.11.2015 passed in C.F.R.No.2794 of 2015 in C.O.R.No.1195 of 2014-15, passed by the Court of the Judicial Magistrate of First Class, at Mahabubabad, whereby the learned Judge returned the petition filed by the petitioner for release of Bank Guarantee.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner herein submitted a Bank Guarantee for a sum of Rs.1,17,456/- for release of vehicle and Court below erroneously dismissed the petition filed by him for release of Bank Guarantee, as the case is still pending and that the petitioner is in need of money.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, the order, dated 12.11.2015, passed in C.F.R.No.2794 of 2015 in C.O.R.No.1195 of 2014-15 is hereby set aside and the Court below is directed to return the Bank Guarantee to the extent of

3/4th of the value of the Bank Guarantee, i.e., 88,092/- (Rupees eighty eight thousand and ninety two only) to the petitioner and the remaining 1/4th of the Bank Guarantee, i.e., Rs.29,364/- (Rupees twenty nine thousand three hundred and sixty four only) is to be retained as guarantee for release of the vehicle.

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

JUSTICE RAJA ELANGO

15.12.2015
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