

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.626 of 2011

Between:

Mallam Subramanya Reddy

..... PETITIONER/A9

AND

The State of A.P.rep.by its

Public Prosecutor

.....RESPONDENT

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.626 of 2011

ORDER:

This criminal petition is filed against the order of the learned Judicial 1st

Class Magistrate, Huzurnagar, dated 17.01.2011 in issuing non-bailable warrant against the petitioner/A9 in C.r.No.191 of 2010 on the file of the Huzurnagar Police Station, Nalgonda District, registered for the offences punishable under Sections 406, 419, 420, 468 and 471 of IPC.

Heard the learned counsel appearing for the petitioner/A9 and the learned Additional Public Prosecutor, representing the State.

The facts in brief are that the petitioner is shown as A9 in the above crime along with several others. The petitioner/A9 filed CrI.P.MP.No.3315/2010 seeking bail before the Court below and the Court below by order dated 16.11.2010 granted bail to the petitioner/A9 subject to certain conditions, and one of such conditions is that the petitioner/A9 shall obtain and file "no due certificate" from the State Bank of Hyderabad, Huzurnagar on or before 01.12.2010. It appears that the said condition was not complied with by the petitioner/A9. Even though the petitioner/A9 made efforts to obtain "no due certificate", the bankers did not issue the same. Consequently, on 17.01.2011, the trial Court passed the following impugned order:

".....The counsel for the A9 filed memo to the effect that A9 got issued notice dated 29.11.2010 & 04.01.2011 requesting the Bank Authorities to issue no due certificate account particulars but till date they did not issue the account particulars, not issued the no dues certificate. It is necessary to point out that previously when A9 got issued notice the Bank authorities requested him to produce the photographs to issue loan particulars and other details vide their reply letter, dated 08.12.2010 but till so far A9 did not produce the photographs. A9 is called absent, condition of bail to produce no due certificate is not complied. Hence the bail, dated 16.11.2010, issued in favour of A9 is cancelled. Issue NBW against A9. Call on 21.01.2011."

What is apparent from the above order is due to non-compliance of the condition imposed by the Court below while granting bail, the bail granted to the petitioner/A9 was cancelled, consequently, non-bailable warrant was issued.

The request of the petitioner/A9 is to recall the non-bailable warrant, which is only a consequential order. The order of cancellation of bail is not challenged. Therefore, this criminal petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. However, it is open to the petitioner/A9 to work out his remedies, in accordance with law, as to question the

cancellation of bail or seek fresh bail. In the circumstances stated, it is directed that the non-bailable warrant issued by the Court below against the petitioner/A9 shall not be executed till 01.07.2015.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 18.06.2015

Dsr

Note:

Furnish copy tomorrow

B/o

Dsr