

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.658 of 2015

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ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), seeking modification of the order dated 15.04.2015 passed in CrI.M.P.No.1681 of 2015 in S.T.C.No.219 of 2012 on the file of the IV Additional Judicial Magistrate of First Class, Tirupati, wherein the learned Magistrate while recalling the non-bailable warrants directed the petitioner to execute a personal bond for Rs.50,000/- with two sureties and one must be the local Gazetted Officer working within the limits of Tirupati Town to the satisfaction of the Court. He also directed the petitioner to appear before the Station House Officer, Chandragiri Police Station on alternative Sunday between 10.00 a.m. and 1.00 p.m. for a period of two (02) months. Aggrieved by the same the present revision is filed.

A perusal of the order under challenge shows that the accused herein was tried for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The case was posted for cross examination of PW.1. As the petitioner failed to appear before the Court on a particular date, the Court issued non-bailable warrant issued against him. The order under challenge further discloses that the complainant, who contested the petition, stated before the Court that he has no objection to allow the petition by obtaining local sureties. After considering the submission made by the learned counsel for the complainant and the accused, the Court allowed the application filed under Section 70 (2) Cr.P.C. by imposing the above conditions.

Learned counsel for the petitioner submits that the petitioner is resident of Hyderabad and it is very difficult for him to get a local Gazetted Officer working within the limits of Tirupati Town as a surety. He submits that in view of the onerous conditions the petitioner could not get himself released though the impugned order was passed on 15.04.2015. Having accepted the request of the accused for recall of warrants the learned Magistrate ought not to have

imposed such onerous condition, which virtually denied bail to the accused.

Having regard to the circumstances stated above and taking into consideration the nature of allegations made, the order under challenge is modified as under:-

The petitioner shall execute a personal bond for Rs.50,000/- with two sureties for the like sum each and out of which one surety must be a government officer. All other conditions in the order shall remain un-altered.

With the above modification, the Criminal Revision Case is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.04.2015

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