

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5700 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/Accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No. 362 of 2008 on the file of Judicial Magistrate of the First Class, Manchirial of Adilabad which was the outcome of the report of the 2nd respondent/defacto-complainant that was investigated and from the final report filed, taken cognizance for the offences punishable under Sections 420, 417 and 406 I.P.C.

2) In the above calendar case charges were framed and the trial with no progress and non-bailable warrants are pending. Heard the learned counsel for the petitioners/accused Nos.1 and 2 and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) There are no grounds to quash the cognizance taken and charges framed against the petitioners/accused by the trial Court and the material falls short for this Court to admit the application under Section 482 Cr.P.C to quash the proceedings and thereby the petition is disposed of by giving liberty to pay penalty for the sureties' inability to produce them as per the bonds earlier executed by them

from the concession of bail granted. Since the sureties not produced the accused non-bailable warrants are pending and to recall the same they are directed to pay penalty of the two sureties for the two accused respectively at total Rs.20,000/- (Rs.5,000/- for each surety) (Rs.10,000/- of each accused) and by recalling warrant and on production of fresh solvency to obtain fresh bonds and to proceed with the trial in the letter and spirit of Section 309 Cr.P.C not exceeding within three months after that as the case is long pending from the year 2008. If the petitioners failed to pay the penalty amount and file an application for recall of warrants and furnish fresh solvency on the date of their appearance within 15 days from today, the order ceases its force.

4) With the above observations, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

01.07.2015
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