

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.787 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner – 2nd accused under Section 397 (1) Cr.P.C., challenging the order, dated 05.05.2015 passed in CrI.M.P.No.991 of 2015 in Crime No.489 of 2014 on the file of the IV Additional Junior Civil Judge, Guntur.

The case in brief is that the petitioner and another are accused in Crime No.489 of 2014 on the file of the of Kothapet Police Station, registered for the offences punishable under Sections 420, 384, 323, 506 and 509 read with 34 IPC. They surrendered before the Court below and they were taken into custody by the police as ordered by the Court below for recording their statements. Subsequently, the accused were granted bail by the Court below. After completion of investigation, the police filed charge sheet for the offences punishable under Sections 420, 384, 323, 506 and 509 read with 34 IPC and also under Section 4 of the Prevention of Money Laundering Act, 2002. The Court below returned the charge sheet with an endorsement to file the same before the designated Special Court. Therefore, the prosecution has filed CrI.M.P. No.991 of 2015 before the Court below to cancel the bail granted to the petitioners.

The petitioner and the other accused filed counter opposing the said application. The Court below, after hearing both sides, allowed the application and cancelled the bail granted to the petitioner and the other accused. Hence, this revision case is filed by the petitioner.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that there must be violation of bail conditions to cancel the bail granted earlier, and

without there being any violation of any condition by the petitioner, the Court below has passed the order canceling the bail granted to the petitioner and the Court below ought to have seen that without any authority of law, the prosecution has filed the application seeking cancellation of bail granted to the petitioner.

As seen from the record, it is evident that the Court below has passed the impugned order only on the ground that Section 4 of the Money laundering Act was added in the charge sheet. The Court below rejected the charge with an endorsement to file the charge sheet before the Special Court. On the application filed by the prosecution, the Court below cancelled the bail granted to the petitioner and the other accused by observing that the offences under Section 4 of Prevention of Money Laundering Act are exclusively triable by the Special Court and the Magistrate has no jurisdiction to grant bail.

Learned counsel for the petitioner contended that since the date of granting bail, the petitioner is complying with the conditions and he are ready to appear before the Court regularly.

Considering the facts and circumstances of the case and in view of the submissions of the learned counsel for the petitioner, the Criminal Revision Case is disposed of with the following directions:

The order, dated 05.05.2015 passed in CrI.M.P.No.991 of 2015 in Crime No.489 of 2014 on the file of the IV Additional Junior Civil Judge, Guntur, is set aside and the order of the trial Court, dated 28.10.2014 in CrI.M.P. No.4220 of 2014 granting bail to the petitioner is hereby restored, and further, the petitioner is directed to appear before the Court concerned regularly on all hearing dates, without fail.

Miscellaneous petitions, pending if any, shall stand closed.

June 23, 2015.
KTL

RAJA ELANGO, J