

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

CRIMINAL PETITION No.12820 of 2016

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.73 of 2016 on the file of Judicial Magistrate of First Class, Nandyal, registered for the offence under Section 138 of the Negotiable Instruments Act.

Heard learned counsel for petitioners and perused the material on record.

It is noticed that the petitioners were directed by the Court below to furnish two sureties each capable of providing surety for 50% of the cheque amounts, which comes to Rs.80,00,000/-. Questioning the same, the petitioners filed CFR No.3240/2016 stating that they are not in a position to furnish such capable sureties and prayed for reducing the bail bond amount. The petitioners have also filed CFR No.3241/2016 seeking condonation of their absence on 24-06-2016, however, the Court below issued non-bailable warrants against the petitioners.

In the facts and circumstances of the case and in view of the submissions made by the learned counsel for petitioners, this criminal petition is disposed of subject to the following direction :

The petitioners/accused should furnish 3rd party surety in a sum of Rs.50,00,000/- (Rupees Fifty Lakhs) to the satisfaction of the trial Court. Rest of the conditions imposed by the trial Court shall remain same.

As regards Non-bailable warrants, the petitioners are directed to approach the trial Court and file a petition under Section 70(2) of Cr.P.C. to recall the warrants issued against them and on such petition being filed, the trial Court shall dispose of the said petition on the same day on which it is filed, on usual terms, in accordance with law.

The Criminal petition is disposed of accordingly. Pending miscellaneous applications, if any, shall stand closed.

M.S.K.JAISWAL, J

9th September 2016
ajr

