

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4624 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. by the petitioner surety challenging the order of the III Special Magistrate-FAC-II Special Magistrate, Hyderabad dated 7.12.2015 whereby the learned Judge dismissed Crl.M.P.No.1073 of 2015 in C.C.No.527 of 2011 filed by the petitioner herein under Section 444 Cr.P.C. r/w 219 Cr.P.C. for return of two FDRs each for Rs.10,000/-.

Admittedly, the accused in the above C.C. was convicted by the trial Court and the lower appellate Court as well as this Court confirmed the same. Now the accused is serving sentence of imprisonment. The petitioner herein stood as surety for the accused only for the appearance of the accused before the trial Court. Since the case is ended in conviction and as the accused is also serving sentence of imprisonment, there is no hurdle in returning the FDRs. to the petitioner who stood as surety to the accused.

Under the above circumstances, the order dated 07-12-2015 passed in Crl.M.P.No.107 of 215 in C.C.No.527 of 2015 is set aside and the trial Court is directed to return two FDRs sought for by the petitioner-surety.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 04-04-2016

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