

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.483 OF 2016

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ORDER:

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This Criminal Revision Case is filed by the petitioner-surety challenging the order of the II Special Magistrate at Hyderabad dated 7.12.2015 whereby the learned Judge dismissed CrI.M.P.No.1072 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 impugned order is set aside and the trial Court is directed to return the two FDRs sought for by the petitioner-surety.

The Criminal Revision Case is accordingly disposed of.

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

JUSTICE RAJA ELANGO

10.02.2016

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