

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

CRIMINAL PETITION NO. 10784 OF 2016

ORDER

This criminal petition is filed under Section 482 read with 439(1)(b) Cr.P.C. seeking to relax/modify the conditions to the extent of i) the petitioner shall execute personal bond for Rs.35 lakhs with one surety for like sum; and ii) the petitioner shall produce the copy of the original invoice of the Tracked Excavator (JCB) as imposed by the Court below and accordingly modify the order dated 19.07.2016 passed by the Judicial Magistrate of First Class, Mulugu in CrI.M.P.No.585 of 2016 in Crime No.94 of 2016 of Mulugu Police Station.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the State. Perused the material available on record.

By way of impugned order dated 19.07.2016 learned Judicial Magistrate of First Class, Mulugu *inter alia* directed the petitioner/de facto complainant, who is owner of Tracked Excavator (JCB) to produce the copy of original invoice of the said JCB.

It is submitted by learned counsel for the petitioner that the petitioner has purchased the said JCB under subsidy scheme for SC and ST people by the Government and under the said scheme, she availed loan from the IndusInd Bank. As such, the original invoice is with the said bank. Therefore, there is no possibility of producing the original invoice and the bank also issued letter stating that the said invoice is with its head office.

Having regard to the facts and circumstances of the case, learned Magistrate is directed to accept the attested Xerox copy of the invoice of the Tracked Excavator (JCB).

Accordingly, the criminal petition is disposed of modifying the condition No.4 imposed by the learned Judicial Magistrate of First Class, Mulugu in CrI.M.P.No.585 of 2016 in Crime No.94 of 2016 of Mulugu Police Station.

Miscellaneous petitions pending if any, shall stand closed.

Date: 25.07.2016
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M.S.K.JAISWAL,J