

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2224 of 2016

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CRIMINAL REVISION CASE No.2227 of 2016

COMMON ORDER:

1) Crl.R.C.No.2224 of 2016 is filed under Sections 397 and 401 of Cr.P.C. against the docket order dated 23.08.2016 passed in Crl.M.P.No.1372 of 2016 in C.C.No.219 of 2015 on the file of the Judicial Magistrate of First Class, Railway Koduru, wherein the application filed by the petitioner/surety No.2 under Section 446(3) of Cr.P.C. seeking remission of forfeited amount of Rs.1,50,000/- was rejected.

2) Crl.R.C.No.2227 of 2016 is filed under Sections 397 and 401 of Cr.P.C. against the docket order dated 23.08.2016 passed in Crl.M.P.No.1373 of 2016 in C.C.No.219 of 2015 on the file of the Judicial Magistrate of First Class, Railway Koduru, wherein the application filed by the petitioner/surety No.2 under Section 256 of Cr.P.C. seeking dispensation of the presence of the petitioner was rejected.

3) The facts which lead to filing of both the revisions are as under :

A case in Crime No.218 of 2014 of Railway Koduru Police Station came to be registered against accused Nos.1 to 6. In the said crime, accused Nos.2, 3 and 4 were granted bail. The petitioner stood as surety

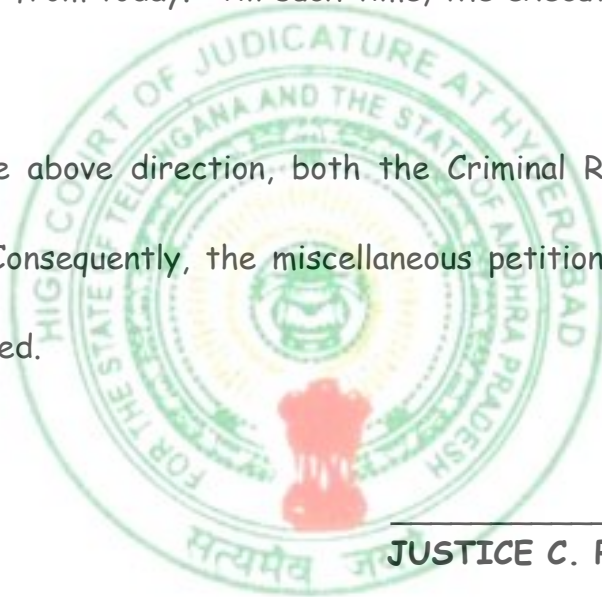
for accused Nos.2,3 and 4. After completion of investigation, the police filed charge sheet in the said crime, which was taken on file as C.C.No.219 of 2015 on the file of the Judicial Magistrate of First Class, Railway Koduru. As accused Nos.2, 3 and 4 failed to appear before the Court from 2015 onwards, the learned Magistrate issued notice to the petitioner/surety to appear before the Court and to bound himself in default thereof to forfeit an amount of Rs.1,50,000/-. Hence, he filed two petitions, one is for dispensation of his presence and another is for remission of the surety amount of Rs.1,50,000/-. After hearing, the learned Magistrate dismissed both the applications and issued non-bailable warrant against the petitioner. Aggrieved by the same, the present revisions are filed.

4) The learned counsel for the petitioner mainly submits that the petitioner, who is aged about 68 years was cheated by a village doctor by asking him to stand as surety for the accused. He submits that believing their representation and not knowing about the consequences, stood as surety. He submits that he will be put to great financial difficulty if the entire amount is asked to be paid. He submits that he raised that amount by taking loans and if the entire amount is forfeited he will be put to huge loss.

5) As seen from the record, the petitioner who appears to be an agriculturist is aged about 68 years. He was directed to furnish surety of Rs.50,000/- to each of the accused which would be around Rs.1,50,000/-.

6) Taking into consideration the facts in issue, forfeiture of the amount as ordered by the Court is reduced from Rs.50,000/- to each of the accused to Rs.35,000/-, which amount has to be paid within a period of three weeks from today. Till such time, the execution of N.B.Ws., is stayed.

7) With the above direction, both the Criminal Revision Cases are disposed of. Consequently, the miscellaneous petitions, if any, pending shall stand closed.



JUSTICE C. PRAVEEN KUMAR

Dt:30.09.2016

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