

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.333 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. challenging the order dated 15.06.2015 passed in CrI.R.P.No.30 of 2014 in CrI.M.P.No.322 of 2014 in Crime No.46 of 2014 on the file of the Court of the Principal Sessions Judge, Khammam.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the Station House Officer, Khammam II Town Police Station registered a case in Crime No.46 of 2014 for the offences under Sections 420, 468, 471 and 506 I.P.C. During the course of investigation, the investigating officer collected the money from the accused. While pending the matter, the petitioners filed CrI.M.P.No.322 of 2014 on the file of the I Additional Judicial Magistrate of First Class, Khammam and the same was dismissed on 17.04.2014 on the ground that the investigation is in progress. Feeling aggrieved by the order of the learned Magistrate, the petitioners preferred CrI.R.P.No.30 of 2014. The learned Principal Sessions Judge, Khammam allowed the petition on 15.06.2015 directing the trial Court to release the amount to the petitioners on a condition that they have to furnish bank guarantee.

4. The learned counsel for the petitioners submitted that the petitioners are facing much difficulty to comply with the order passed in CrI.R.P.No.30 of 2014 to the extent of furnishing bank guarantee.

5. At the time of arguments, the learned Public Prosecutor submitted that the investigating officer completed the investigation and filed the charge sheet.

6. A perusal of the record *prima facie* reveals that money belongs to

the petitioners. As rightly pointed out by the learned counsel for the petitioners, it may not be possible for the petitioners to furnish bank guarantee. While passing the orders in this type of cases, the approach of the Court shall be pragmatic and not pedantic.

7. Having regard to the facts and circumstances of the case, this Court is inclined to modify the order dated 15.06.2015 passed in Crl.R.P.No.30 of 2014 on the file of the court of Principal Sessions Judge, Khammam. The court of I Additional Judicial Magistrate of First Class, Khammam is hereby directed to give interim custody of the money to the petitioners on furnishing self-bond for the same amount with one surety to its satisfaction. The other conditions shall remain unchanged.

8. With the above modification, the Criminal Petition is disposed of.

9. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 08.02.2016

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