

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.988 OF 2017

ORDER:

The accused persons 1 and 2 impugning the docket order of the V Additional Judicial Magistrate of First Class, Nellore, dated 11.06.2015, issued N.B.W. against the petitioners/accused along with A.6., impugning the said N.B.W., for their absence with no representation, the revision is filed.

2. In fact, there is no wrong in the impugned order of the lower court, as it is the duty of the accused to appear pursuant to the bail bonds and once failed to appear for any reason beyond their control or for any inability, they could have been represented by filing application under Section 317 Cr.P.C., to condone their absence. When it was not done, lower court is right in issuing the N.B.W.

3. Having regard to the above, the revision is disposed of before admission by directing them by filing application under Section 44 of Cr.P.C., to surrender before the learned magistrate and because the bail order is in force and not cancelled either under Section 439(2) of Cr.P.C. or Section 437(5) of Cr.P.C., from the bail order in force, the only thing is to impose penalty on the bonds earlier executed by forfeiting the bonds and to obtain fresh bonds on payment of penalty

by accused without insisting the earlier sureties to pay any further penalty and in the event of payment of such penalty to be imposed and fresh bonds to be executed to release pursuant to the earlier bail order in force.

4. In the result, this criminal revision case is disposed of. Miscellaneous petitions pending, if any, in this case shall stand closed.

DR.B.SIVA SANKARA RAO,J

10.04.2017
SS

