

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1507 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.2 viz., Bathiri Rajendra Prasad requesting to relax the 1st condition imposed by the learned Metropolitan Sessions Judge -cum- I-Additional District and Sessions Judge, Visakhapatnam, by the order dated 03.02.2017 in Criminal M.P. Nos.264 and 278 of 2017 in Crime No.3 of 2017 of Chodavaram Police Station.

2. The 1st condition of the learned Metropolitan Sessions Judge - cum- I-Additional District and Sessions Judge, Visakhapatnam, reads thus:

“The petitioners/A2 and A4 shall be released on bail on executing a personal bond each for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each who shall each furnish a fixed deposit of Rs.50,000/- (Rupees fifty thousand only) drawn in the name of this Court and the same shall be submitted to the satisfaction of the Additional Judicial First Class Magistrate, Chodavaram. The bail is subject to verification of genuineness of the sureties.”

3. Sri G. Venkat Reddy, learned counsel for the petitioner would readily agree that it is not a petition, which ought to be filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, ‘the Code’), when there is a specific provision under Sections 439(1)(b) and 440(2) of the Code.

4. However, the Registry, some how, asked the learned counsel to file petition under Section 482 of the Code and also directed to file the petitions of this nature under Section 482 of the Code.

5. An elaborate order passed in alike petitions in CrI.P.Nos1396 of 2017 and 618 of 2017 and being pronounced today, holding that the request of this nature has to be entertained either under Sections 439(1)(b) or 440 of the Code, where a specific provision is inlaid in the Code to seek appropriate relief.

6. Accordingly, the criminal petition is disposed of giving liberty to the petitioner to avail the opportunity under the relevant provisions of law.

7. The Registry is directed to return the original/certified copy of impugned order in Criminal M.P. Nos.264 and 278 of 2017 to the learned counsel for the petitioner forthwith without any delay.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 27, 2017.

Note:

Issue C.C. by tomorrow.

(B/O)

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