

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.913 of 2017

ORDER :

Aggrieved by the order dated 14.03.2017 in CrI.MP.No.791 of 2017 in C.C.No.695 of 2014 passed by the Judicial Magistrate of First Class, Tadipatri, this revision is filed by the petitioner/ accused.

2. The revision petitioner is the accused in the said C.C. in which cognizance was taken for the offences punishable under Sections 498-A I.P.C. and 3 and 4 of the Dowry Prohibition Act.

3. Earlier, the accused was granted concession of bail in the crime stage and pending investigation, his appearance was dispensed with. But after filing of final report and cognizance taken for the offences supra, there is no appearance of the petitioner and even summons issued by the learned Magistrate for the address furnished in the bail application were unserved, as a result, the learned Magistrate issued N.B.W. When the same sought for recall including from absence of the petitioner/ accused, the same was dismissed on 14.03.2017. It is impugning the same, the revision is maintained.

4. The offence under Section 498-A I.P.C. is a non-bailable offence. The bail granted by this Court is under Section 439 Cr.P.C. There is no cancellation of the bail, once granted, shall enure till the end of trial. Once bail is not cancelled either under

Section 439(2) Cr.P.C. or any power conferred in the bail order by this Court on the learned Magistrate pursuant there to, if not even under Section 437(5) Cr.P.C, under Section 446 Cr.P.C. there is a forfeiture of the bond, by imposing penalty for non-compliance of the original bail conditions.

5. Having regard to the above, there is nothing to interfere with the impugned dismissal order of the learned Magistrate but for to give liberty to the petitioner to appear in person and give fresh solvency and on the earlier bond, directing the Magistrate to impose penalty to pay before acceptance of the fresh solvency. If accused paid the penalty, there is no need of enforcing the same against the earlier surities, whose bonds to be cancelled forthwith in obtaining fresh bonds.

6. Accordingly, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03-04-2017
pab

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.913 of 2017

DATE: 03.04.2017



pab