

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.2020 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity), is filed by the petitioner/accused, having been aggrieved of the conditions imposed by the learned XIV Special Magistrate, Hyderabad, in the order, dated 07.07.2017, passed in CrI.M.P.No.903 of 2017 in C.C.No.58 of 2017.

2. I have heard the submissions of the learned counsel for the petitioner at the stage of admission. I have perused the material record.

3. The facts, which are necessary to be stated as a preface to this order, in brief, are as follows:-

In C.C.No.58 of 2017 filed by the 1<sup>st</sup> respondent/complainant, the petitioner is the accused. The said CC was filed requesting to punish him for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. While so, when Non Bailable Warrants were issued against the petitioner herein in the afore-stated case, the petitioner/accused approached this Court by filing Criminal Revision Case no.1490 of 2017; and, this Court, by orders, dated 09.06.2017, directed that the Non Bailable Warrants issued against the petitioner/accused be kept in abeyance till the disposal of CrI.M.P.No.903 of 2017 in C.C.No.58 of 2017 on the file of the trial Court and further directed the trial Court to dispose of the said miscellaneous petition. Later, CrI.M.P.No.903 of 2017 was disposed of by the orders impugned in this Criminal Revision Case.

However, the petitioner complains that certain conditions imposed in the said order of the trial Court are onerous.

4. The operative portion of the order impugned in this Criminal Revision Case reads as follows:-

“In the result, the petitioner/ accused is hereby directed to surrender before this Court in C.C.No.58 of 2017 on or before 24.07.2017. Upon surrender of the petitioner/ accused shall be enlarged on bail on condition to execute a personal bond for Rs.1 lakh with two sureties for like sum each. The sureties shall be permanent residents of Hyderabad. The sureties shall produce solvency Certificates for not less than for Rs.1 lakh each issued by the Competent Revenue authority or Competent Local Body authority. No cash deposited FDRs shall be accepted. Further the petitioner/ accused shall report before the Head Clerk of this Court at 10:30 AM on every working day and mark his presence by affixing his signature for a period of 30 days and thereafter the petitioner/accused shall report before the Head Clerk of this Court at 10:30 AM and mark his presence by affixing his signature on every working Saturday until further orders.”

(Reproduced verbatim)

5. The learned counsel for the petitioner submits that a plain reading of the impugned order makes it manifest that the conditions are onerous and, therefore, seeks modification of the conditions.

6. Having regard to the facts and submissions, this Court is of the considered view that the conditions imposed against the petitioner/ accused in the impugned order are onerous, more particularly in the light of the fact that the offence with which the petitioner/accused is charged is only an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, which is a bailable offence. Viewed thus, this Court is of the considered view that this Criminal Revision Case can be disposed of by modifying the conditions imposed in the orders impugned.

7. Accordingly, the Criminal Revision Case is allowed in part and the petitioner/accused is directed to surrender before the trial Court in C.C.No.58 of 2017 within a period of two (02) weeks from today. Nonetheless, upon such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousands only) with two sureties in a like sum each to the satisfaction of the said learned Magistrate. However, the sureties shall produce Solvency Certificates for the stated sum from a competent Revenue authority or an authority of the local body, instead of making cash deposits by way of FDRs. As a sequel, the other conditions imposed in the order impugned stand cancelled.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

18<sup>th</sup> July, 2017

Note:-

Furnish C.C. by 20.07.2017

(B/O)

Bvv

M.Seetharama Murthi, J