

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1566 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 3 viz., Senapathi Ramesh, Pothubanthi Harish and Kocho Ganapathi, requesting to relax the 1st condition imposed by the learned Metropolitan Sessions Judge -cum- Special Judge to try the offences under NDPS Act, at Visakhapatnam, by the order dated 23.01.2017 in Criminal M.P. No.192 of 2017 in Crime No.4 of 2017 of V. Madugula Police Station.

2. The 1st condition of the learned Metropolitan Sessions Judge -cum- Special Judge to try the offences under NDPS Act, at Visakhapatnam, reads thus:

“The petitioners shall be enlarged on bail on each executing a personal bond for a sum of Rs.50,000/- with two sureties each and the sureties shall furnish a fixed deposit of Rs.50,000/- each drawn in the name of this Court and submit the same to the satisfaction of Judicial First Class Magistrate, V.Madugula. The bail is subject to verification of genuineness of the sureties.”

3. Sri G. Venkat Reddy, learned counsel for the petitioners would 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. An elaborate order is 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.

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

6. The Registry is directed to return the original/certified copy of impugned order in Criminal M.P.No.192 of 2017 to the learned counsel for the petitioners forthwith without any delay.

7. 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.

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