



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.22821 of 2016

P.Sabeer Ahamed Sayeed

... Petitioner

-Vs-

S.Charles

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the docket order of the Judicial Magistrate No.2, Tiruchirappalli in C.C.No.350 of 2016 dated 18.10.2016 to provide sureties for the petitioner's appearance.

For Petitioner : Mr.R.S.Sivaram

ORDER

This Criminal Original Petition has been filed against the order passed by the Judicial Magistrate No.II, Trichy, directing the petitioner to produce sureties.

2.The learned counsel for the petitioner submitted that the petitioner has already executed a bond under Section 88 of Cr.P.C for a sum of Rs.5,00,000/-, which is the cheque amount. The Court below has directed the petitioner also to produce two sureties for a like sum. This has been questioned by the petitioner in the present original petition.

3.In the considered view of this Court, the Court below ought not to have directed the petitioner to produce two sureties for the cheque amount. The very purpose of the execution of the bond by the petitioner is to ensure his appearance before the Court below during the proceedings. By virtue of the amendment brought to the Code of Criminal Procedure by Act 63 of 1980 wherein Section 446(A) was brought into force, the Court has been given powers to cancel a bond and remand into custody, if the Court is satisfied that no sufficient cause has been shown by the person who was bound by the bond to comply with its condition. When such a power is available to the Court below, there is no requirement for production of sureties.

4.In fine, this Criminal Original Petition is allowed and the direction given by the Court below insofar as production of sureties alone is hereby set aside.

Sd/
Assistant Registrar (T&P)

/True copy/



To

The Judicial Magistrate No.II,
Tiruchirappalli.

CRL.O.P. (MD) No.22821 of 2016
03.09.2018

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