

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HON'BLE SRI JUSTICE P. KESHA RAO

+ W.P.No.45449 of 2018

% Date: 18-12-2018

Between:

Sri Dinesh Kumawat, S/o. Lala Ram,
R/o. H.No.14-11-733, Mangalhat, Hyderabad.

.... Petitioner

And

1. The Judicial First class Magistrate Court, Palasa, Srikakulam District, Andhra Pradesh.
2. The Station House Officer, Kasibugga Police Station, Srikakulam District, Andhra Pradesh.

... Respondents

! Counsel for the Petitioner : Mr. G. Suresh Goud

^ Counsel for Respondent No.1 : Mr. J. Anil Kumar

^ Counsel for Respondent No.2 : G.P. for Home

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> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE P. KESHA RAO

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ORDER: (Per VRS,J)

Aggrieved by the refusal of the Criminal Court to accept the sureties and to release him on bail, the petitioner has come up with the above writ petition.

2. Heard Mr. G. Suresh Goud, learned counsel for the petitioner.

3. Under normal circumstances, a writ under Article 226 is not the appropriate remedy for the failure of the Criminal Court to exercise jurisdiction vested in it in law. There are other remedies available under the Code of Criminal Procedure.

4. But since the case also concerns personal liberty, we have entertained the writ petition. We ordered notice on 14.12.2018 directing the learned counsel for the Registry to take notice and get instructions. Mr. J. Anil Kumar, learned counsel for the Registry furnished a copy of the letter addressed by the Judicial Magistrate of First Class to the Registry stating that the sureties produced by the petitioner did not even know the name of the accused and that therefore, the sureties were not accepted.

5. It is seen from the bail order that the petitioner was enlarged on bail on executing a personal bond for Rs.20,000/-, each with two sureties for a like sum. Therefore, the moment cash sureties are furnished, the Court below ought to have accepted the same. Failure of the Court below, to accept the cash sureties as per the bail order, has resulted in the petitioner languishing in jail for a few more days than originally contemplated.

6. Hence the writ petition is allowed. A direction is issued to the Registry to accept the cash sureties and enlarge the petitioner on bail. There will be no order as to costs. As a sequel, pending miscellaneous petitions, if any, will stand closed.

V. RAMASUBRAMANIAN, J.

P. KESHA RAO, J.

18th December, 2018
Js.



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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W.P.No.45449 of 2018



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