

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.13623 of 2018

ORDER:

Heard the learned counsel for the petitioners and Sri Surender, Special Public Prosecutor for C.B.I. and perused the impugned order dismissing the NBW recall application of the petitioners-A16 & A20.

2. The impugned order shows that the petitioners are continuously absent since years together by simply filing applications under Section 317 Cr.P.C. and consequently on 19.02.2018 it is to recall that NBW, without even present, application filed by the petitioners is nothing but to avoid the appearance before the Court and thereby, no grounds to recall, leave about the similar petitions of A1, A5 & A10 for recall dismissed and they were remanded to judicial custody. For stalling the further proceedings in C.C.No.1065 of 2012 pending since 2012 it is the revision order confirming the dismissal order of the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad, dated 08.03.2018 passed on 28.08.2018 supra. It is not in dispute that the petitioners were granted regular bail and the bail order was not cancelled either under Section 437 (4) or 439 (2) Cr.P.C. Once the bail order is in force and even any bonds compliance violated by non appearance, the remedy is to impose penalty on the earlier bonds and obtain fresh bonds.

3. Having regard to the above, the dismissal orders in **Crl.R.P.No.134 of 2018** dated 28.08.2018 passed by the learned

Metropolitan Sessions Judge, Hyderabad, and in **Crl.M.P.No.851 of 2018** in C.C.No.1065 of 2012 passed by the learned XIV Additional Chief Metropolitan Magistrate, Hyderabad, are hereby set aside by permitting the petitioners-A16 & A20 to file fresh application for recall of NBW with presence of the petitioners-A16 & A20, subject to imposing penalty on the earlier bonds.

Miscellaneous petitions pending, if any, shall stand closed.

20.12.2018
MVA

Dr. B. SIVA SANKARA RAO, J

