

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.355 of 2019

ORDER :

Heard.

2. The petitioner is surety in CrI.M.P.No.12 of 2019 pending C.C.No.22 of 2009 on the file of the Principal Special Judge for CBI Cases, Hyderabad.

3. In the bail application bond executed by furnishing surety to the accused and the calendar case is disposed of. The petitioner filed CrI.M.P.No.12 of 2009 to return the surety amount of Rs.1,00,000/-, vide F.D.R.No.37262402142, dated 27.10.2017, but the same was dismissed. Impugning the said dismissal order, the present revision is filed.

4. The calendar case was undisputedly ended in acquittal on 06.09.2018. The petitioner sought for return of the said F.D.R., which is in deposit as surety. The mere fact that the respondent-CBI filed an appeal against the acquittal judgment is not a ground for the learned Magistrate to dismiss the application.

5. Having regard to the above, the revision is allowed by setting aside the dismissal order, dated 07.02.2019, in CrI.M.P.No.12 of 2019, and directing for refund of the surety amount. If at all under Section 437-A amended Cr.P.C. any bond pending appeal required, remedy is elsewhere and not to retain the surety bond amount, who stood as surety only during calendar case and now unwilling to continue any longer in seeking refund of the amount.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

4th April 2019

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