
(2022) 06 TEL CK 0038

In the Telangana High Court

Case No : Criminal Petition No. 4567 Of 2022

M/S Kamadhenu And CompanyVs State Of Telangana

Date of Decision : 09-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 440(2), 482
Negotiable Instruments Act, 1881 — Section 138

Citation : (2022) 06 TEL CK 0038

Hon'ble Judges : K. Lakshman, J

Bench : Single Bench

Final Decision : Partly Allowed

Judgement

1. Heard learned counsel for the petitioners and Mr. Kushal Agarwal, learned counsel representing Mr. Pawan Kumar Agarwal, learned counsel for respondent No.2.

2. This petition is filed under Section - 482 of the Code of Criminal Procedure, 1973, to quash the order dated 18.04.2022 passed by learned Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case - cum - Additional Family Court - cum - XXIII Additional Chief Judge - cum - IX Additional Metropolitan Sessions Judge, Hyderabad in Crl.M.P. No.1368 of 2022 in STC No.1355 of 2021.

3. Perusal of the record would reveal that the petitioners herein are accused in STC IN No.1355 of 2021 on the file of VIII Metropolitan Magistrate, Hyderabad. The offence alleged against them is under Section - 138 of the Negotiable Instruments Act, 1881. After receipt of the summons, the petitioners herein appeared before the Magistrate in the said STC, and vide order dated 07.12.2021, the learned Magistrate directed the petitioners herein to execute a personal bond for Rs.10,000/- with two sureties for like sum each. The petitioners herein have filed a petition under Section - 440 (2) of the Cr.P.C. vide Crl.M.P. No.1368 of 2022 before the learned Sessions Judge seeking to reduce the said surety amount. Vide order dated 18.04.2022, the learned Sessions Judge had dismissed the said petition. Feeling aggrieved by the same, the

petitioners herein have filed the present criminal petition.

4. Learned counsel for the petitioners would submit that respondent No.2 herein has filed about 15-20 cases against the petitioners herein for the very same offence. In most of the cases, learned Magistrate had directed the petitioners herein to execute personal bond for Rs.5,000/- with two (02) sureties for a like sum each. The petitioners herein are not in a position to furnish the sureties for the said amount in all the cases filed by respondent No.2 amounting to about Rs.10.00 lakhs.

5. On the other hand, Mr. Kushal Agarwal, learned counsel representing Mr. Pawan Kumar Agarwal, learned counsel for respondent No.2, opposed the reduction of surety amount on the ground that the entire amount covered under the cheques is Rs.5.00 Crores and that during pendency of the complaints, both the petitioners herein and respondent No.2 had entered into MOU and pursuant thereof, the petitioners had agreed to pay an amount of Rs.2,50,00,000/-. The said aspects cannot be considered in the present petition.

6. Having regard to the submissions made on either side and the facts and circumstances of the case, the order dated 18.04.2022 passed by the learned IX Additional Metropolitan Sessions Judge in CrI.M.P. No.1368 of 2022 in STC IN No.1355 of 2021 is quashed and the order dated 07.12.2021 passed by the VIII Metropolitan Magistrate, Hyderabad in STC NI No.1355 of 2021 to the extent of executing personal bond of Rs.10,000/- with two sureties for like sum each by the petitioners herein - accused is modified to that of executing personal bond for Rs.5,000/- (Rupees Five Thousand Only) with one surety by the petitioners herein - accused each.

7. The present Criminal Petition is accordingly allowed in part to the aforesaid extent.

As a sequel, the miscellaneous petitions, if any, pending in the criminal petition shall stand closed.