

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 588 OF 2014
IN
WRIT PETITION NO. 1505 OF 2011**

Adnan Sami Khan	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Ranbir Singh, i/b Mr. Amit Ghag, for the Applicant.
Mrs. A. A. Mane, APP, for the Respondent-State.

**CORAM: G.S. PATEL
VACATION JUDGE
DATED: 2nd January 2015**

PC:-

1. An order was passed on 24th December 2014 when Criminal Application No. 583 of 2014 was mentioned. This Court directed the learned Magistrate to comply immediately with orders earlier passed. In fact, Mr. Justice Tahaliyani observed that it was unnecessary for the Applicant to have come to Court at all, and further, that there was an unreasonable delay allegedly caused by the learned Magistrate in signing the requisite bond. In consequence, the Applicant's Passport was not released. It was

noted that although the matter was mentioned before the leaned Magistrate several times, the bond remained unsigned. In no uncertain terms, Mr. Justice Tahaliyani directed the learned Magistrate to take all necessary steps to ensure that the orders dated 27th and 28th January 2014 passed by this Court in Criminal Application No. 29 of 2014 in this Criminal Writ Petition were complied with immediately.

2. It appears that the sureties in question, whose credentials and assets have been duly verified not once but several times, were present before the Magistrate's Court on 12th and 16th December 2014. They sought leave to have their applications taken up so that the bond could be signed. It seems that the sureties have in fact signed the bonds. The bonds now only await the Magistrate's signature. On the supporting documents such as the Ration Cards, there is also a stamp of the Judicial Clerk. The bonds in question have been signed by the sureties.

3. On 12th December 2014, the leaned Magistrate appears to have made an endorsement that because she was too busy, the application by the Applicant to take the matter on board and complete the process was rejected.

4. Mr. Justice Tahaliyani's order was passed thereafter. It appears that even today this has not been complied with and the Magistrate has now demanded that the sureties present themselves yet again to re-execute the bonds, although the sureties were in fact present on 12th December 2014 and again on 16th December 2014 and the bonds have been executed.

5. Whatever be the preoccupation of the learned Magistrate, the fact remains that there is an order of a learned Single Judge of this Court. That order of 24th December 2014 is unambiguous. The direction is to implement the previous orders immediately. It is not open to the learned Magistrate to delay matters in this fashion. The consequence of this delay to the Applicant is serious since his visa expires on 5th January 2015. He is, therefore, required to take steps to re-validate and extend his visa immediately; for, if that is not done, the Applicant's continued stay in India would be illegal.

6. The Magistrate shall immediately and in any event by 4.00 p.m. today complete the signing of the bond. She is directed to act on an authenticated copy of the order communicated to her by the Registrar (Judicial – II) of this Court. It is clarified that the sureties having already signed the bond on 12th/16th December 2014, they are not required to attend before the learned Magistrate once again especially since it was she who was it seems not free to take their applications on the previous two occasions.

7. The Passport of the Applicant is to be returned to him forthwith upon the bond being signed.

8. Compliance of this order is to be reported to the Registrar (Judicial – II) of this Court immediately.

9. The Criminal Application is disposed of in these terms.

(G. S. PATEL, J.)