

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.98 of 2015

ORDER:

The petitioner/accused challenges the order dated 19.12.2014 in CrI.M.P.No.2026 of 2014 in C.C.No.31 of 2011 wherein the petition filed by him seeking return of his passport to enable him to visit Edinburgh Napier University, Edinburgh, England to admit his son in Architectural Technology and Building Performance Course was dismissed by learned Special Judge for SPE & ACB Cases-cum-III Additional District and Sessions Judge, Vijayawada.

2) Heard.

3) The submission of petitioner is that in order to admit his son in the Edinburgh Napier University, his presence is required and therefore he may be permitted to visit England for the aforesaid purpose and his passport may be ordered to be returned which he will re-submit after returning to India and he will abide by any of the conditions imposed by the Court.

4) Learned Public Prosecutor opposed the petition stating that petitioner is accused of acquiring disproportionate assets to his known source of income and case is coming up for framing of charges and he was already convicted in another case in C.C.No.24 of 2002 by Special Court for SPE & ACB Cases, Visakhapatnam for similar charges and appeal preferred by him is pending before the High Court and therefore, if permission is accorded to him, he may not return to India and pending cases will be stalled.

5) After hearing both sides this Court is of the considered view, sofaras the present case C.C.No.31 of 2011 is concerned, permission can be accorded to him for a limited period by imposing strict terms. Sofaras the appeal against C.C.No.24 of 2002 is concerned, the petitioner has to obtain a separate permission from the Bench hearing the said appeal for visiting abroad.

6) In the result, this Criminal Petition is allowed by setting aside the order in Crl.M.P.No.2026 of 2014 and petitioner/accused is permitted to visit Edinburgh, England between 05.02.2015 and 31.03.2015 on his executing a personal bond for Rs.3 lakhs (Rupees three lakhs only) with one surety for the likesum to the satisfaction of Special Judge for SPE & ACB Cases, Vijayawada. On such execution of the bond, the trial Court shall return the passport to the petitioner. The petitioner/accused shall appear before the trial Court on 01.04.2015 and surrender his passport.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 28.01.2015

Murthy