

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4856 of 2015

ORDER:

This Criminal Petition, under Section 439(1)(b) of Cr.P.C., is filed by the petitioner – A1 to relax the condition imposed in bail order dated 27.01.2015 passed in S.R. No.381 of 2015 in CrI.M.P.No.989 of 2015 in C.C. No.792 of 2015 on the file of the Hon'ble XV Additional Chief Metropolitan Magistrate cum Special Court for trial of Video Piracy Cases, Hyderabad by directing the Court below to return the original passport of the petitioner.

The petitioner is A1 in CC No.792 of 2015 for the offences under Sections 498-A and 406 IPC and 4 of the Dowry Prohibition Act. The de facto complainant is the wife of the petitioner. Their marriage took place on 06.02.2004. After one month of marriage, the petitioner started harassing the de facto complainant physically and mentally for demand of additional dowry. Therefore, she lodged a complaint against the petitioner and his family members. Charge sheet was filed in the year 2010 against the petitioner only. Prior to filing of charge sheet, the petitioner left to Dubai, and hence, he could not appear before the trial Court. Thereafter, in the year 2015, he appeared before the Court and obtained bail. The Court below while granting bail to the petitioner, directed him to surrender his passport in the Court, to secure his presence for facing trial. As per the said condition, the petitioner deposited his passport. Subsequently, the petitioner filed an application before the Court below for return of his passport. The same was dismissed by the trial Court on the ground that if the passport is given to the petitioner, he could not appear before the Court and the trial could not be completed. Hence, the present petition is filed by the petitioner.

Learned counsel for the petitioner submitted that the petitioner is an employee in UAE and he has to join his service otherwise, he

will put to irreparable loss and he is ready to abide by the conditions imposed by this Court.

Learned Public Prosecutor submitted that in view of the absence of the petitioner before the trial Court, the trial could not be completed and if this Court fix a timeframe, the trial Court can conclude the trial.

Considering the rival contentions, this Court is of the view that this petition can be disposed of as follows:

- i. The trial Court is directed to conclude the trial on or before 30th September, 2015.
- ii. If the trial is not completed on the above said date, the petitioner can file an application for return of his passport before the trial Court and on filing of such application, the trial Court is directed to return the passport and permit the petitioner to represent his case through his mother or father as his power of attorney holder, and also direct the petitioner to appear before the trial Court on the date of judgment.

With the above observations, the Criminal Petition is disposed of.

June 16, 2015.
KTL

RAJA ELANGO, J