

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16182 of 2016

DATE: 22.11.2016

Between:

Kadiyala Suresh

.. Petitioner/
A1

and

1. The State of Andhra Pradesh
2. Kadiyala Vijaya Nalini

.. Respondents



ORDER:-

This Criminal Petition is filed under Section 439(1)(b) read with 482 Cr.P.C. seeking to modify the condition imposed in the order dated 11.08.2016 in CrI.M.P.No. 1022 of 2016 by II Additional Sessions Judge, Kakinada, East Godavari District in Cr.No. 14 of 2015 of Inavilli Police Station, East Godavari District registered for the offences punishable under Sections 498-A and 313 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1963 and direct return of the petitioner's passport bearing No.J 4423617.

The learned counsel for the petitioner has submitted that in the above noted crime, there are altogether nine accused. The petitioner-A1 is a Green Card Holder and working in U.S.A., however, since 29.07.2016, he has been staying in India. The learned counsel has further submitted that if the petitioner does not go to U.S.A. within 180 days, his Green Card would be cancelled. He has also submitted that all the family members of the petitioner are involved in the present crime and they do not have passports.

Keeping in view the averments made in the Criminal Petition and the submissions of the learned counsel for the petitioner, I hereby direct the Additional Judicial First Class Magistrate, Amalapuram to release the passport of the petitioner and allow him to go abroad.

The petitioner is directed to furnish the residential as well as the office address of U.S.A. to the trial Court and in case there is any change of address, the petitioner shall convey the same to the trial Court through all modes of communication. The petitioner is further directed to remain present as and when called by the trial Court.

In view of the above directions, the Criminal Petition is allowed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

22.11.2016

bcj

SURESH KUMAR KAIT, J