

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.8576 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-A1 under Section 439 (1)(A) r/w.482 of Criminal Procedure Code seeking to relax the condition imposed in order, dated 05.08.2013, in CrI.MP No.3757 of 2012 in CC No.199 of 2013 by the XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, and to extend the time for surrender of passport till completion of trial.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is A1 in CC No.199 of 2013 for the offences punishable under Sections 498-A IPC and 4 & 6 of the Dowry Prohibition Act and the petitioner was shown as absconding since he was working in USA and therefore, NBW was issued against him. LW1 filed OP No.1246 of 2016 before the Family Court, City Civil Court, Hyderabad for divorce and when the petitioner came to India to appear in the said OP, police arrested him and remanded to judicial custody. Thereafter, the petitioner was granted bail. While taking him into custody, the police seized his passport and deposited the same before Court below. While granting bail to the petitioner, the Court below directed him not to leave the country without prior permission of the Court.

Learned Public Prosecutor objected this application on the ground that in case the petitioner is allowed to leave the Country, he may not appear before the trial Court.

Considering the submissions of both the learned counsel and also on perusal of record, this Court is inclined to pass the following order:

The Court concerned is hereby directed to return the passport of the petitioner forthwith and the petitioner is permitted to leave the

country. The petitioner is further directed to represent his case before the trial Court through any of the accused, who is closely related to him.

With the above directions, this Criminal Petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 23, 2016.
KTL