

HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.7155 of 2016

ORDER:

This petition is filed by the petitioner-accused No.1 seeking to relax the conditions imposed by the I Additional Metropolitan Sessions Judge, Hyderabad vide order dated 18.6.2002 in CrI.M.P.No.1558 of 2002 in Crime No.162 of 2002.

It is stated that the learned I Additional Metropolitan Sessions Judge, Hyderabad while granting anticipatory bail to the petitioner in connection with the above crime, imposed some conditions. One of the conditions is that she shall not leave India without previous permission of the Court. After filing of the charge sheet in the above crime, the case was numbered as C.C.No.867 of 2006 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad. The petitioner filed discharge petition viz., CrI.M.P.No.4158 of 2007 and the said petition was dismissed by the II Additional Chief Metropolitan Magistrate, Hyderabad vide order dated 18.2.2008. Against the said order, the petitioner filed CrI.R.C.No.295 of 2008 before this Court and this Court granted interim stay of all further proceedings in the said case by order dated 22.2.2008. While so, the petitioner filed applications from time to time before the I Additional Metropolitan Sessions Judge, Hyderabad for relaxation of the above conditions on the ground that her sons are working in USA. The learned I Additional Metropolitan Sessions Judge granted permission to the petitioner to visit USA by relaxing the conditions for limited period. The petitioner has filed CrI.M.P.No.635 of 2015 for extension of time for her stay in USA for six months. The learned Additional Metropolitan Sessions Judge extended the time till 11.12.2015. As the time granted to the petitioner came to an end, she filed CrI.M.P.No.355 of 2016 before the learned I Additional Metropolitan Sessions Judge, Hyderabad for relaxation of the conditions imposed in CrI.M.P.No.1558 of 2002. The

said application was dismissed vide order dated 26.3.2016. Aggrieved by the same, the petitioner filed this petition.

Heard and perused the material available on record.

The learned Additional Public Prosecutor opposed this application.

Admittedly, the crime against the petitioner pertains to the year 2002. On many occasions, she was allowed to go to abroad. The fact remains that the entire proceedings in the present crime were stayed by this Court vide order dated 22.2.2008 in CrI.M.P.No.394 of 2008 in CrI.R.C.No.295 of 2008. The stay order granted by this Court is still in force. In view of the same, this Court is of the view that the earlier order dated 11.6.2015 passed in CrI.M.P.No.635 of 2015 by the learned I Additional Metropolitan Sessions Judge, Hyderabad, can be extended.

In the above circumstances, the order dated 11.6.2015 passed in CrI.M.P.No.635 of 2015 by the I Additional Metropolitan Sessions Judge, Hyderabad, is extended till the stay order dated 22.2.2008 passed by this Court in CrI.M.P.No.394 of 2008 in CrI.R.C.No.295 of 2008 is vacated.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any shall stand closed.

Justice Raja Elango

9.6.2016
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