

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Crl.P. No. 16050 of 2016

ORDER:-

This Criminal Petition is filed seeking a direction to the 1st respondent –A1 to cause production of his passport bearing No. 502629247 issued by United Kingdom of Great Britain and Northern Ireland, note the factum of his travel outside India in violation of the condition imposed by this Court, and consequently cancel the anticipatory bail granted by this Court to the 1st respondent vide order dated 16.06.2016 in Crl.P.No. 8001 of 2016.

This Court, on 29.11.2016, made the following order:

“In view of the facts recorded above and keeping in view of the order dated 13.10.2016 passed by XXIII Metropolitan Magistrate, Cyberabad at Rajendranagar, the present petition is filed without having any authentic information, due to which this Court issued notice dated 16.11.2016 to the 1st respondent and pursuant to which, the 1st respondent is compelled to appear before this Court. This Court has made it clear that the present petition is filed on the false averments and accordingly, action will be taken against the petitioner.

At request of the learned counsel for the petitioner, re-notify the matter on 07.12.2016.”

Today, when the matter is taken up for hearing, the learned counsel for the petitioner has fairly conceded that due to communication gap the present petition is filed against the 1st respondent for cancellation of his bail order dated 16.06.2016.

Filing a false affidavit before the Court amounts to commission of the offence "Perjury" which, in fact, is committed by the petitioner in the present case. This petition is filed very casually and without verifying the actual facts due to which the 1st respondent is compelled to pay fees to his counsel. Thus, there is hardship caused to the 1st respondent and wasted the public time of this Court.

Inasmuch as the learned counsel for the petitioner has sought apology on behalf of the petitioner, I hereby accept the apology, however subject to the condition that the petitioner shall pay costs of Rs.25,000/- (Rupees Twenty Five Thousand Only). Out of this amount, Rs.15,000/- (Rupees Fifteen Thousand Only) shall be paid to the 1st respondent and Rs.10,000/- (Rupees Ten Thousand Only) shall be paid in favour of Advocates' Welfare Fund, Andhra Pradesh Bar Council. It is made clear that the costs shall be deposited within a period of one week from the date of receipt of a copy of this order.

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

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

SURESH KUMAR KAIT, J

07.12.2016
bcj