

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.463 OF 2016

Sukhdev s/o Daulatrao Navrange

..VS..

Sudhir s/o Sadashiv Gavnar and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A.S. Deshpande, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 06, 2017.

**Heard learned counsel Shri A.S.
Deshpande for the applicant.**

The challenge in this criminal application is, order dated 7.9.2015 passed by learned Sessions Judge, Yeotmal in Other Misc. Criminal Application No.39 of 2015. By the impugned order, learned Sessions Judge directed learned Judicial Magistrate First Class (Court No.5), Yeotmal to decide Regular Criminal Case No.97 of 2013 expeditiously, which is initiated on a complaint lodged by the present applicant against non-

applicant No.1 who is husband of daughter of the present applicant. By the said order, it is also directed by learned Sessions Judge that condition imposed upon non-applicant No.1, while releasing on bail that not to leave the India, is relaxed on furnishing cash security of amount of Rs.50,000/-.

Learned counsel Shri A.S. Deshpande for the applicant strenuously urges that these two conditions, as imposed by learned Sessions Judge, are required to be set aside. He submits that if non-applicant No.1 is permitted to leave the India, it will be very difficult to secure his presence. Though at the first blush submissions made on behalf of the applicant appear to be attractive, after hearing learned counsel completely and after perusing the impugned order, it appears that the applicant, who is the complainant, is taking all steps to see that Regular Criminal Case No.97 of 2013 is protracted and, therefore, learned Magistrate is not able to decide said criminal case. Further, it is not in dispute that non-applicant No.1 is serving in Dubai in a company known as Arif and Bintok and while releasing him on bail, a condition was imposed that

he should not leave the India. Therefore, he was unable to return to his work place. Consequently, his employer has sent a notice to him that unless he joins the company within a period of two months, he will lose his employment and also the VISA, granted in his faovur, shall stand cancelled.

Learned Sessions Judge, in my view, has correctly appreciated this particular situation and has relaxed the condition imposed upon non-applicant No.1 not to leave the India by directing that he should give the cash security to the amount of Rs.50,000/-.

Looking to the conduct on behalf of the applicant of not to co-operating with the Court below to decide the matter, I see no reason to interfere with the well reasoned order passed by learned Sessions Judge. Hence, the criminal application is rejected.

JUDGE

!! BRW !!

...../-