

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.1914 OF 2017

ORDER:

This Criminal Petition under Sections 439(1)(b) r/w Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/A-1 to relax the condition imposed by the V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad in CrI.M.P.No.339 of 2017 in PRC No.19 of 2013 in Crime No.235 of 2011 on the file of the Police Station, Golconda, Hyderabad directing to deposit the passport on various grounds.

The main contention of the petitioner is that this Court already relaxed the condition relating to deposit of passport by order dated 15.07.2015 in Criminal Petition No.7147 of 2015 with certain conditions. But, the petitioner filed an application in CrI.M.P.No.2081 of 2016 before the V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad seeking regular bail and the Sessions Judge passed an order dated 29.07.2016. Again he filed another application in CrI.M.P.No.339 of 2017 and the Sessions Judge directed the petitioner to surrender his passport on or before 14.03.2017 and in case of failure to deposit the passport, the order shall stand cancelled automatically. But, conveniently, the petitioner approached this Court on 28.02.2017 without complying the direction issued by the Sessions Judge, obviously for different reasons.

During hearing, the learned counsel for the petitioner fairly conceded that the petitioner is at Soudi Arabia and thereby he is unable to deposit the passport. Therefore, he requested to grant sufficient time to deposit the passport.

It is clear from the order passed by this Court in CrI.P.No.7147 of 2015 that the direction to deposit the passport was set aside. However, the subsequent conduct of the petitioner would clearly shows that he did not comply with the directions issued from time to time and that he did not appear before the Court and even today also, he is out of country i.e. he is in Soudi Arabia. If the condition is relaxed, there is no guarantee that he will come back and face the trial.

Therefore, taking into consideration, the facts and circumstances of the case and the conduct of the petitioner, I find that it is not a fit case to relax the condition of depositing passport. However, time is extended for a period of ten (10) days from today to deposit passport.

Accordingly, the criminal petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 15.03.2017

Note:

Furnish C.C. today.

B/O

Ccm

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