

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6735 OF 2017

ORDER:

Heard learned counsel for the petitioner and also learned public prosecutor, representing for the 1st respondent – State, before ordering notice to the 2nd respondent – defacto complainant in C.C.No.250 of 2003 outcome of Crime No.620 of 2002 on the file of the V Metropolitan Magistrate, Hyderabad (now stated pending on the file of III Additional Chief Metropolitan Magistrate), no other than husband of the petitioner, of the cognizance taken for the offences punishable under Sections 420 IPC and Section 12-B of the Indian Passport Act, 1967 and perused the quash petition averments and the enclosed material including the charge sheet therein.

2. It is the submission of the petitioner that she is quiet unaware of the pendency of the Crime or the filing of the charge sheet and taking cognizance and came to know from the Red Corner notice pending, which refers to wrong calendar case number and filed writ petition and there from on information came to know when directed to approach the passport authorities, of the present calendar case pending against her, which is the cause issue in the Red Corner notice requiring her deporting.

3. Having regard to the above, instead of keeping the matter pending, this Court to sub-serve the ends of justice, suspends the N.B.W. pending for a period of two months from the date of receipt of copy of this order, so that the petitioner in the meantime can come to India and by directing the Investigating Officers not to arrest her either at Airport or in transit to court for her attending before the court within said period and file application for regular bail/anticipatory bail to enlarge as the case may be and also file any application under Section 205 Cr.P.C. to represent through special vakalat holder including for the claim of discharge by filing appropriate application through power of attorney holder if at all she has to go back with undertaking to appear to face trial or enquiry as the case may be whenever required and workout the further rights.

4. Accordingly and with the above directions, this criminal petition is disposed of, without prejudice to the rights of both parties. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

04.08.2017
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