

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2809 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), with a request to quash the order, dated 14.03.2017, in Criminal M.P. No.1027 of 2017 in Criminal M.P. No.204 of 2017 in Crime No.95 of 2017 passed by the learned Metropolitan Sessions Judge, Cyberabad.

2. Heard Sri Akshat Sanghi, learned counsel for the petitioner, and perused the material on record.

3. The petitioner herein viz., Sadeq Hussain Mohammed is accused in the aforesaid crime. He made an application under Section 440(2) of the Code to return his passport on the ground that he is falsely implicated in the aforesaid crime by alleging penal offences under Sections 498-A, 323 and 504 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

4. The learned VIII Metropolitan Magistrate, Cyberabad, Rajendranagar, having considered the request in Criminal M.P. No.204 of 2017, since the passport was issued by the Canadian Government as he is working in Canada since 2003 and got Canadian citizenship, acceded to the request and directed to execute a bond for Rs.5,00,000/- with two (2) sureties for a like sum each and also by giving an undertaking that whenever his presence is required in the

said case, he will attend the Court, otherwise the amount will be forfeited. It is that portion of the order, which is challenged before the learned Metropolitan Sessions Judge, Cyberabad, at L.B. Nagar, in Criminal M.P. No.1027 of 2017.

5. The learned Metropolitan Sessions Judge opining that the learned Metropolitan Magistrate has passed the order directing the petitioner to return his passport towards interim custody, felt that there is nothing to interfere with the said order and, thus, not inclined to interfere, dismissed the said petition.

6. As seen from the order passed by the learned Metropolitan Sessions Judge, a request is made in the direction of relaxation by way of modification of the said order to reduce the bond amount to Rs.1,00,000/- with two (2) sureties from Rs.5,00,000/- with two (2) sureties under Section 440(2) of the Code.

7. Now, the learned counsel for the petitioner would submit that the condition imposed by the Courts below is obvious and, in fact, the petitioner was earning Rs.96,000/- per month by attending to a small job in Canada and, therefore, directing to execute a bond for Rs.5,00,000/- is erroneous.

8. It is no doubt true, the very same relief is sought for herein to reduce the surety amount from Rs.5,00,000/- to Rs.1,00,000/-. But, the purpose for which, the passport sought for is that the petitioner intends to continue his job at Canada and, therefore, it cannot be said

that the condition of executing a bond for Rs.5,00,000/- (Rupees five lakhs only) with two (2) sureties for a like sum each, as directed by the learned Metropolitan Magistrate and confirmed by the learned Metropolitan Sessions Judge, cannot be faulted with.

9. Therefore, the Criminal Petition is dismissed, at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

April 21, 2017.
PV

A. SHANKAR NARAYANA, J

