

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.3170 and 3211 of 2018

COMMON ORDER:

The criminal petitions are filed seeking relaxation of the conditions imposed, condition being that petitioner shall not seek return of passport and to appear on each and every date of adjournment vide separate order dated 30.05.2017 in CRLPMP.No.1349 of 2017 in CC.No.627 of 2010 and CRLMP.No.1350 of 2017 in CC.No.163 of 2009 passed by the I Additional Judicial First Class Magistrate, Karimanagar.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The counsel for the petitioner now submits that the petitioner needs his passport for getting Visa of Person of Indian Origin and that he would abide by the conditions that would be imposed by this Court. With respect to the other condition, the counsel for the petitioner submits that it may be difficult for the petitioner to attend the Court on the given dates of adjournment and he may be given liberty to seek for dispensing with his presence.

4. This Court does not find any reason to retain the passport of the petitioner, except for securing his attendance before the Court below during trial. In order to secure his presence, this Court opines that condition to deposit Rs.1,00,000/- (Rupees One Lakh only) by way of fixed deposit would meet the requirement. With respect to the condition to appear on each and every date of adjournment, it is submitted that the petitioner has been complying with said condition and the same is not refuted by the Public Prosecutor.

Hence, considering the above, the criminal petitions are allowed. The Court below is directed to return the passport to the petitioner on his furnishing a security of Rs.1,00,000/- (Rupees One Lakh only) by way of fixed deposit with two sureties for a like sum each to the satisfaction of the Court below. The condition with respect to attending the Court below on each and every date of adjournment is also considered as onerous and is set aside. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

March 15, 2018
DSK

T. RAJANI, J

