

HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No. 4091 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ A-8 challenging the Order dated 21.02.2018 passed in CrI.M.P.No.319 of 2018 in CC No.7 of 2012 on the file of Principal Special Judge for CBI Cases, Hyderabad, wherein the learned Principal Special Judge dismissed the petition of the petitioner seeking to dispense with his appearance in the court for a period of three months to enable him to undergo cataract surgery which requires three months bed rest.

2. Heard learned counsel for the petitioner and the learned Special Public Prosecutor for CBI cases.

3. Learned counsel for the petitioner would submit that though the cataract surgery will not take much time to perform in view of the present scientific advancement in the medical field, considering the fact that the petitioner is aged about 59 years and he would need bed rest at least for a period of two to three months so as to avert any damage to the eye operated upon and hence the trial court ought to have allowed the petition at least for a period of two months. He would also submit that the case is now under trial and some more witnesses are required to be examined.

4. The learned Special Public Prosecutor opposed the Petition on the ground that before the trial court the petitioner has not mentioned about the nature of ailment and particulars of the operation and cataract surgery does not require three months bed rest and that trial court rightly dismissed the petition.

5. Perused the record.

6. A perusal of the medical certificate issued by the Dr.Vasant Kumar Sawant, filed along with the material papers would show that the petitioner required to undergo cataract surgery as early as possible, as he is aged about 59 years. Though the medical certificate did not mention about the bed rest, having regard to the nature of the operation and the age of the petitioner, it is obvious that he requires bed rest after the surgery. This court is of the considered view that for a reasonable period, his absence can be condoned to enable him to undergo rest.

5. Accordingly, this Criminal Petition is allowed setting aside the order dated 21.02.2018 passed in Crl.M.P.No.319 of 2018 in CC No.7 of 2012 on the file of Principal Special Judge for CBI Cases, Hyderabad, and the presence of the petitioner/ A-8 in CC No.7 of 2012 on the file of Principal Special Judge for CBI Cases, Hyderabad, is dispensed with for a period of two months from 25.04.2018 to 24.06.2018 (both days inclusive).

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 19.04.2018

Note:
Issue CC by tomorrow
B/o. MJl

