

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6812 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash condition No.1 imposed by the Metropolitan Sessions Judge, Hyderabad in Crl.R.P.No.23 of 2018 dated 31.03.2018 filed against the order dated 22.01.2018 passed in Crl.M.P.No.2137 of 2017 in C.C.No.472 of 2015 by the XV Additional Chief Metropolitan Magistrate-cum-Special Court for the Trial of Video Piracy Cases, Hyderabad. .

2. By the order impugned, the revisional Court imposed condition No.1, which is extracted as under:

“The revision petitioner shall attend trial in C.C.No.472 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, and he shall be intimated about the beginning of the trial by his Advocate at least within one month in advance”.

3. The only ground raised by petitioner before this Court is that he went to Canada in the month of April and it is difficult for him to return to India to face trial within a short span of three months by incurring huge expenditure. But the condition imposed by the revisional Court is pre-condition to release the passport enabling the petitioner to go to Canada. Therefore, such condition imposed by the revisional Court is harsh and it will cause prejudice to the petitioner. However, it is the duty of the petitioner to appear before the Court on every date of adjournment to face the trial. But the appearance of the petitioner can be dispensed with if the Magistrate is satisfied that there is a reason to dispense with the appearance of petitioner by

exercising power under Section 205 of Cr.P.C., or under Rule 37 of Criminal Rules of Practice.

4. Therefore, the condition No.1 imposed by the revisional Court in Crl.R.P.No.23 of 2018 is relaxed. However, the petitioner is at liberty to file appropriate application under Section 205 of Cr.P.C. or under Rule 37 of Criminal Rules of Practice, and on filing such application, the Magistrate is directed to pass appropriate order in accordance with law, within a week from the date of receipt of such application.

5. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

2nd July, 2018

Note:
Issue CC in two days
(Bo)
sj

M. SATYANARAYANA MURTHY, J

