

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.5242 and 5265 of 2019

COMMON ORDER:

1) Since both the Criminal Petitions are filed under Section 482 of Cr.P.C., questioning the order, dated 17.08.2019 passed in CrI.M.P.No.1267 of 2019 in C.C.No.22 of 2003 on the file of the Principal Special Judge for CBI Cases, Hyderabad, they are being disposed of by way of this common order.

2) The petitioner filed an application before the trial Court seeking permission to go to USA and to stay there for his employment and to take care of his children for a period of one year from 06.08.2019 to 05.08.2020 by releasing his passport bearing No.J4522157. Taking into consideration the facts and circumstances of the case, the trial Judge partly allowed the said petition, permitting the petitioner to stay in USA for a period of three months from 21.08.2019 to 20.11.2019 subject to condition that the petitioner shall furnish bank guarantee for Rs.10.00 lakhs from any Nationalised Bank in Hyderabad, which shall be in force till 20.11.2019. Petitioner shall make his appearance before the said Court on 25.11.2019. Office is directed to return the passport to the petitioner bearing No. J4522157 under proper acknowledgment and identification and the petitioner shall re-deposit his passport on the date of his appearance. If the petitioner fails to furnish bank guarantee, the order passed will not be in force. Aggrieved by the same, the petitioner filed

CrI.P.No.5242 of 2019 seeking reduction of the bank guarantee amount from Rs.10.00 lakhs to Rs.6.00 lakhs and CrI.P.No.5265 of 2019 came to be filed seeking permission to stay in USA for a period of one year.

3) Heard learned counsel for the petitioner and learned Special Public Prosecutor for CBI Cases.

4) It has been submitted on behalf of the petitioner that without assigning any cogent reason the impugned order has been passed by reducing the period of stay of the petitioner in USA from one year to three months and the learned trial Judge has completely ignored the fact that the case is stayed by the High Court in CrI.R.C.No.241 of 2010 and the presence of the petitioner was dispensed with. It is also submitted that the learned trial Judge failed to consider the pathetic financial condition being faced by the petitioner due to his illegal implication, therefore prayed to reduce the bank guarantee amount from Rs.10.00 lakhs to Rs.6.00 lakhs.

5) Learned Special Public Prosecutor for CBI Cases, submits that seeing the failure on the part of the petitioner to comply the earlier order dated 25.07.2019, the learned trial Judge reduced the period of his stay in USA.

6) Having regard to the facts and circumstances of the case, the time granted to the petitioner is modified by permitting the petitioner to stay in USA for a period of six months from 21.08.2019 to 21.02.2020 thereafter, the petitioner shall make his

appearance before the trial Court on 28.02.2020. The other conditions imposed in the order dated 17.08.2019 in CrI.M.P.No.1267 of 2019 in C.C.No.22 of 2003 on the file of the Principal Special Judge for CBI Cases, Hyderabad, shall remain unaltered.

7) Accordingly, Criminal Petition No.5242 of 2019 is dismissed and Criminal Petition No.5265 of 2019 is disposed of.

8) Miscellaneous petitions, if any, pending, shall stand closed.

30.09.2019
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JUSTICE G. SRI DEVI



