

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 89 of 2020

ORDER:

1. The present Criminal Petition is filed under Section 482 of Cr.P.C., questioning the order, dated 26.12.2019 passed in CrI.M.P.No.365 of 2019 in CrI.M.P.No.1018 of 2018 in Crime No.132 of 2018 on the file of the V Additional District and Sessions Judge, Kothagudem, wherein and whereunder the learned Sessions Judge directed the 1st petitioner/ A-1 to attend the Court along with his passport on 17.01.2020.

2. At the time when the matter is taken up for hearing, learned Counsel for the petitioners would submit that the Investigating Officer without acknowledging the receipt of the documents furnished by the petitioners, filed CrI.M.P.No.365 of 2019 under Section 439 (2) of Cr.P.C., to cancel the anticipatory bail granted to the petitioners vide CrI.M.P.No.1084 of 2018, dated 25.10.2018. The petitioners filed counter to the said petition, but the learned V Additional Sessions Judge, Kothagudem, without passing orders in the said petition filed for cancellation of anticipatory bail, passed a docket order dated 24.07.2019 and directed the 1st petitioner/ A-1 to file copy of his passport by the next date of listing and it was further ordered that no further adjournments will be given. In the light of the directions issued by the V Additional Sessions Judge, Kothagudem, the 1st petitioner/ A-1 submitted a copy of his passport, but the Court has been insisting upon to deposit the original passport before the Court and

passed the impugned order. It is also submitted that at the time of registration of the crime, the 1st petitioner/ A-1 was employed in Singapore and in the month of April, 2019, he reached out to the Labour and Welfare Section, High Commission of India, Singapore, and the said High Commission of India, Singapore, informed him that his employment pass has been cancelled and that he has returned to India. It is further submitted that the 1st petitioner/ A-1 has appeared before the Court on two occasions and the other petitioners have appeared before the Court on several occasions, but the Investigating Officer ignored all these facts and filed a petition for cancellation of anticipatory bail on misrepresentation of facts and allegations. It is also submitted that once the petitioners were released on bail, they should appear before the Court only after receiving summons from the Court. The learned V Additional Sessions Judge, Kothagudem, ignoring all these aspects passed the impugned order, which is illegal and without jurisdiction and hence, the same is liable to be quashed. Lastly, the learned Counsel for the petitioners submits that a direction may be given to the V Additional Sessions Judge, Kothagudem, to dispose of the application in CrI.M.P.No.365 of 2019 and pass orders in accordance with law.

3. In the light of the submission made by the learned Counsel for the petitioners, it is found that during pendency of the application for cancellation of bail, the impugned docket order has

been passed, which shows non-application of mind by the learned V Additional Sessions Judge, Kothagudem.

4. Having regard to the facts and circumstances of the cases, the Criminal Petition is allowed and the order, dated 26.12.2019 passed in CrI.M.P.No.365 of 2019 in CrI.M.P.No.1018 of 2018 in Crime No.132 of 2018 on the file of the V Additional District and Sessions Judge, Kothagudem, is hereby set aside. Further, the learned V Additional Sessions Judge, Kothagudem, is directed to dispose of CrI.M.P.No.365 of 2019 in accordance with law, as expeditiously as possible, preferably, within a period of one month from the date of receipt of a copy of the order.

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

JUSTICE G. SRI DEVI

04.02.2020

Note: Issue C.C. in one week.

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