

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE Nos.74 and 75 of 2021

COMMON ORDER:

Criminal Revision Case No.74 of 2021, under Sections 397 and 401 of Code of Criminal Procedure, 1973 (for short "Cr.P.C"), is filed by the petitioner/A.7 challenging the order dated 11.01.2021 passed in CrI.M.P.No.11 of 2021 in C.C.No.561 of 2013 by the learned II Additional Judicial Magistrate of First Class, Khammam, wherein the application filed by him under Section 205(i) Cr.P.C r/w Sec.6(ii)(f) of Passport Act, 1967 r/w GSR 570-E Clause (a) of Sec.22 of Passport Act, 1967, seeking to dispense with his personal attendance and permit his counsel to appear, was dismissed.

2. Criminal Revision Case No.75 of 2021, under Sections 397 and 401 of Cr.P.C, is filed by the petitioner/A.7 challenging the order dated 11.01.2021 passed in CrI.M.P.No.12 of 2021 in C.C.No.561 of 2013 by the learned II Additional Judicial Magistrate of First Class, Khammam, wherein the application filed by him under Section 6(ii)(f) of Passport Act, 1967 r/w GSR 570-E Clause(a) Sec.22 of Passport Act, 1967, seeking to permit him to depart to USA along with his wife, to spend with their children for a period of two years by dispensing with his personal attendance, was dismissed.

3. Heard both sides. Perused the record.

4. The learned counsel for the petitioner/A.7 would submit that the children of the petitioner/A.7 are settled in U.S.A and on their request, the petitioner/A.7 along with his wife, wanted to go to U.S.A. Since the passport of the petitioner/A.7 bearing No.J5062170 is going to expire by 17.04.2021, he applied for renewal of his passport but the Passport Authority declined the same on the ground of pendency of criminal case and they advised the petitioner/A.7 to get permission from the concerned Court. Thereafter, the petitioner/A.7 filed subject Crl.M.P.Nos.11 and 12 of 2021 in C.C.Nos.561 of 2013 before the trial Court. But the trial Court dismissed the said applications vide impugned orders of even date, dated 11.01.2021. It is submitted that even though the petitioner/A.7 gave an undertaking before the trial Court that he would come back to India from USA without causing any hurdle to the Court for early disposal of the case, the trial Court erroneously dismissed the subject applications. Thus the learned counsel for petitioner/A.7 prayed to allow the Criminal Revision Cases as prayed for.

5. On the other hand, the learned counsel for the respondent No.1/*de facto* complainant and the learned Assistant Public Prosecutor for the respondent No.2/State opposed the reliefs sought by the petitioner/A.7 and ultimately prayed to dismiss the Criminal Revision Cases.

6. It is evident from the record that subject Calendar Case pertains to the year 2013. Trial has already commenced. If the petitioner/A.7 is allowed to go abroad for a period of two(2) years,

certainly, that would stall the proceedings in the subject Calendar Case. The trial Court assigned reasons while dismissing the subject applications. The reasons assigned by the trial Court are valid, genuine and based on material on record. There is no illegality or perversity in the impugned orders passed by the trial Court. There are no grounds to interfere with the same.

7. Since the subject Calendar Case is of the year 2013, a direction can be given to the trial Court to expedite the trial and conclude the same within a period of three (03) months from the date of receipt of a copy of this order.

8. With the above observations and direction, both the Criminal Revision Cases are dismissed.

Miscellaneous Petitions, if any pending, shall stand closed.

Date: 22nd September, 2021
SCS

Dr. SHAMEEM AKTHER, J