

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.7053 of 2022

ORDER :

1. Seeking the Court to quash the order that is rendered by the Court of Principal Special Judge for Trial of SPE and ACB Cases, Hyderabad in CrI.M.P.No.490 of 2022 in C.C.No.3 of 2012 dated 07.07.2022, the present Criminal Petition is filed.

2. On perusing the relevant material that is brought on record and upon hearing the submission made by the learned counsel for the petitioner as well as learned Special Public Prosecutor for ACB, what could be perceived is that the petitioner, who is arrayed as accused No.1 in C.C.No.3 of 2012 that is pending before the Court of Principal Sessions Judge for Trial of SPE and ACB Cases, Hyderabad, pending trial, moved an application vide CrI.M.P.No.490 of 2022 seeking the Court to permit her to visit USA from the first week of July 2022 to the end of January 2023. The said request was dishonored and therefore, the petitioner is before this Court.

3. Making his submission, learned counsel for the petitioner contends that the daughter of the petitioner, who is residing at USA, is suffering from ill health and therefore, the petitioner has to visit USA to take care of her daughter. Learned counsel also submits that the presence of the petitioner is not required for the proceedings before the trial Court to continue and therefore, the trial Court ought to have accorded permission for the petitioner to travel to USA, but it did not so. Learned counsel also submits that the petitioner is willing to give an undertaking that she would return by the end of January 2023 and hence, she may be permitted to go abroad.

4. On the other hand, the submission made by the learned Special Public Prosecutor is that the petitioner, by filing successive applications seeking permission to go abroad and thereby, residing at USA for considerable time, is stalling the proceedings and the trial is in progress and hence, the trial Court has rightly dishonored the request of the petitioner. Therefore, the impugned order needs no interference.

5. A perusal of the order which is under challenge reveals that the petitioner in the year 2013, moved an application to permit her to go to USA for six (06) months and on according permission, she went to USA. But without returning by the end of the period prescribed, she moved an application for extension of time for staying at USA for another six (06) months and though her request was honored, she did not return. Subsequently, she filed another petition seeking extension of time for two (02) more months. It is also mentioned that in the year 2016, she again moved an application to permit her to visit USA for six (06) months and the said application was also allowed. In the year 2017, she again prayed for permission to visit USA and the said application was also allowed. But instead of returning to India by the date as ordered, she sought for extension of time to stay with her second daughter and that application was also allowed. It is also mentioned that in the year 2018, she made a similar request and her request was honoured and again, she sought for extension of time. It is mentioned that the same thing happened in the years 2019 and 2020 also.

7. When a query is put by this Court, as to why the daughter of the petitioner, who is suffering from ill health cannot come to India and take treatment by staying with her mother, learned counsel for the petitioner submits that the daughter of the petitioner is an employee at USA and further, she has to look after her two children. By the said submission, it is clear that the daughter of the petitioner is able to perform her employment and look after her children. Therefore, the ill health, as projected, is not so serious that the petitioner has to attend her daughter. Thus, when the reasons shown are not convincing, there is no requirement for according permission for the petitioner to travel to USA. Also, as rightly submitted by learned Special Public Prosecutor for ACB, the Calendar Case is of the year 2012, which means it is pending for more than 10 years. Therefore, this Court is of the view that the trial court has not committed any error or irregularity in disallowing the request of petitioner to go abroad. This Court does not find any error in the order under challenge so as to exercise the power granted under Section 482 Cr.P.C.

8. Resultantly, the criminal petition is dismissed.
9. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Dt. 14.11.2022

vns

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.7053 of 2022

14.11.2022
(vns)