

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8688 of 2022

ORDER:

Heard the submission of learned Special Public Prosecutor for CBI as well as learned counsel for the respondent.

2. Seeking to quash the order that is rendered by the Court of Special Judicial Magistrate of First Class for Trial of CBI Cases, Hyderabad, in CrI.M.P.No.1392 of 2022 in R.C.No.1(A)/2020-CBI/ACB/Hyderabad, dated 08.09.2022, the present Criminal Petition is filed.

3. Making his submission, learned Special Public Prosecutor for CBI Cases contends that the petitioner, who is arrayed as Accused No.2 in R.C.No.1(A)/2020-CBI/ACB/Hyderabad, actively aided the co-accused in demanding bribe from various individuals for getting those individuals relieved from the criminal prosecution and, hence, a case was registered against him and another. Learned Special Public Prosecutor states that the prime accused has got involvement in twenty similar offences and the petitioner herein is a close associate of the said prime accused and, hence, the petitioner leaving the country is undesirable. The learned Special Public Prosecutor states that the petitioner moved

an application vide Crl.M.P.No.1392 of 2022 seeking the trial Court to permit him to travel abroad and the trial Court, without looking at the grave allegations that are directed against the petitioner, allowed the said application, which is most unjustifiable. Learned Special Public Prosecutor also states that presence of the petitioner in India is required and, hence, the permission accorded to the petitioner through the impugned order for leaving the country has to be set aside.

4. Vehemently opposing the said submission, learned counsel for the respondent states that this is not the first occasion where permission was accorded to the respondent to travel abroad and the application filed by the respondent for grant of such relief was earlier entertained, permission was accorded, respondent travelled abroad as directed and returned to India within time. Learned counsel states that the petitioner, being a business man, is required to pursue his occupation and, therefore, he moved an application to travel Dubai, Kenya, Bahrain, Qatar, Kuwait and Saudi Arabia between 12.09.2022 to 30.10.2022, but the trial Court, through the impugned order accorded permission to travel Dubai, Bahrain, Kuwait and Saudi Arabia and failed to accord

permission to travel Qatar and Kenya, as India does not have Extradition Treaties with those countries and such permission was accorded on furnishing solvency i.e. personal bond of Rs.15,00,000/- (Rupees fifteen lakhs only) with one surety and solvency was also produced. But the petitioner could not travel abroad, as he was stopped by the Immigration officials. Learned counsel also states that no proceedings are initiated against the respondent till now before the Court and for the reasons best known, the CBI could not get the charge sheet numbered.

5. By the material available on record, it is clear that the case was registered in the year 2020. It is also borne on record that the charge sheet filed by the CBI was returned with objections and it was not represented thereafter. So, for what purpose the presence of the respondent is required from 12.09.2022 to 30.10.2022 is not made clear by the CBI. The contention that, on an earlier occasion, the respondent left the country and returned back to India is not in dispute. When the CBI has not filed the charge sheet for a long period of two years and it is not clarified as to when the charge sheet would be represented, it would be wholly undesirable to make the respondent stay in India waiting for filing

of charge sheet. However, that does not mean that the respondent can flee from the Courts of justice. However, the plea of the respondent that he has to pursue his occupation should also be honoured. When the impugned order is looked into, this Court finds that the learned Judge has taken into consideration all the aspects that are required to be dealt with and has come to a just conclusion. This Court does not find any infirmity in the impugned order. The reasons shown for quashing of the impugned order cannot be appreciated. Therefore, this Court is of the view that there are no good grounds to quash the order, which is under challenge.

6. Resultantly, this Criminal Petition is dismissed.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

27.09.2022.

NOTE: Issue C.C. by 28.09.2022.
(B/O)
Msr

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8688 of 2022

27.09.2022
(Msr)