
(2018) 05 RAJ CK 0028

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 4193 of 2016

Shafiq Ahamad

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-05-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 193, 482

Citation : (2018) 05 RAJ CK 0028

Hon'ble Judges : KANWALJIT SINGH AHLUWALIA, J

Bench : Single Bench

Advocate : Biri Singh Sinsinwar, Mukesh Saini, Aladeen Khan

Final Decision : Disposed Off

Judgement

Present petition has been filed under Section 482 Cr.P.C. praying that the order dated 10.5.2016 passed by the Additional Sessions Judge No.4, Sikar,

whereby prayer of the petitioner to go abroad has been declined, be set aside.

Shri Biri Singh Sinsinwar, learned senior counsel, appearing for the petitioner has submitted that the petitioner is doing business of purchase and sale of

vegetables and fruits at Dubai. It is contended that when the petitioner came to India, he has been falsely implicated in a murder case. Learned senior

counsel contends that the FIR was registered in the month of July, 2015. Learned senior counsel submits that the petitioner is on bail. It is contended

that case after commitment for the first time was listed before the Sessions Judge, Sikar on 26.10.2015 and the trial court has not moved ahead and

lastly, 24.04.2018 was fixed for considering the application filed by the prosecution under Section 193 Cr.P.C. to summon the additional accused.

Shri Biri Singh Sinsinwar, learned senior counsel, has submitted that till today, prosecution evidence has not commenced. It is contended by the learned

senior counsel that due to continuous stay of the petitioner in India, business of the petitioner has suffered irreparable loss and petitioner cannot

continue to stay in India without doing anything. It is submitted that for the last three years, petitioner has not been gainfully employed.

Shri Biri Singh Sinsinwar, learned senior counsel, has submitted that the petitioner shall undertake to appear before the trial court on each and every

date fixed for recording of evidence and other proceedings. It is contended, therefore, for the interregnum period when the trial is not proceeding, the

petitioner may be permitted to visit Dubai to run his business. Learned senior counsel has submitted that the petitioner is ready and willing to submit

adequate security for going abroad.

After hearing learned counsel for the parties, present petition is disposed of by issuing following directions:-

(i) That petitioner shall furnish an affidavit as on which date he shall leave India and on which date he shall return to India. The said affidavit shall be

accompanied by the tour itinerary of the petitioner,

(ii) That the trial court shall fix a date when petitioner shall report his arrival in India and shall appear before the trial court,

(iii) That the trial court as per its convenience and calendar fix the duration of the petitioner for going abroad,

(iv) That petitioner shall deposit Rs.10,00,000/- (Rupees Ten Lacs) before the trial court as security. The said amount shall be kept in a Fixed Deposit

Receipt in the nationalized bank and on the

date when petitioner shall return to India, the trial court shall return the amount deposited by the petitioner along with the interest provided petitioner

comply with the conditions imposed.

Liberty is granted to the petitioner to rely upon this order as a precedent for his future visit to go abroad, subject to similar terms and conditions to be

specified by the trial court.