

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 37864 of 2008 (G)

PETITIONER:

**KILIYIL HAMZA ABDUL HAKEEM,
AGED 32 YEARS, S/O.HAMZA,
KILLIYIL HOUSE, NARAMPUZHA P.O.,
PIDAVANNOOR-MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT:

**THE SUPDT. OF POLICE,
CBI-ACB, 3RD FLOOR, KENDRIYA SADAN,
SULTHAN BAZAR, KOTI, HYDERABAD-600095.**

BY ADV. SRI.M.V.S.NAMBOOTHIRY, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE RELEVANT EXTRACT OF THE PASSPORT.
- EXT. P2 : TRUE COPY OF THE AIR TICKET.
- EXT. P3 : TRUE COPY OF THE ACKNOWLEDGEMENT CARD.
- EXT. P4 : TRUE COPY OF THE LETTER RECEIVED BY THE PETITIONER FROM
THE INTERNATIONAL AIRPORT, KOCHI.
- EXT. P5 : TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN
WPC.NO.30868/08.
- EXT. P6 : TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
WPC.NO.30868/08.
- EXT. P7 : TRUE COPY OF THE ORDER IN CRL.M.P.NO.3363/2008.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.37864 of 2008

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Dated this the 30th day of October, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by Ext.P7 order passed by the CBI Court, Hyderabad by which the petitioner's application for release of passport was dismissed.

2. This Court by interim order dated 19.12.2008 directed to release the passport of the petitioner on or before 29.12.2008 after taking a photocopy of the same. The respondents took the matter in appeal (W.A No.352/2009) before the Division Bench and the writ appeal was disposed of making it clear that if the appellant (the respondent in that case) requires the passport, he can approach the criminal court where the case is pending for production of the passport untrammelled by the interim order. It was also observed that the same would not prevent the investigating agency in taking further proceedings.

As the passport is released to the petitioner on the basis of the interim order and the right of the respondent to get the same from the court concerned has been reserved, the writ petition is

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-:2:-

closed in the light of the judgment passed by the Division Bench in the aforesaid writ appeal.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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