

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.625 OF 2015

ORDER:

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Heard learned counsel for the petitioner and the learned counsel appearing for the respondent.

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 16.02.2015 passed in CrI.M.P.No.83 of 2015 in C.A.No.383 of 2014 on the file of the Special Sessions Judge-cum-IV Additional District Judge, Guntur, wherein and whereunder an application filed under Section 218 of Cr.P.C. seeking release of passport was rejected.

The facts in issue are as under:

By its judgment dated 26.09.2014 passed in C.C.No.171 of 2009 on the file of the Special Judicial Magistrate of First Class, Prohibition and Excise Court, Guntur, the petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.3,55,000/- in default to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner preferred the above appeal. Pending appeal, the petitioner filed an application seeking return of passport as she has to take specialized medical treatment for her lower backache in U.S.A. and further one of her daughters who is residing in U.S.A. is pregnant. The learned Sessions Judge dismissed the said application. Challenging the same the present revision is filed.

Learned counsel for the petitioner submits that the children of the petitioner are in America and as such she needs passport to visit her children. But however, the learned counsel for the respondent opposed the revision contending that pending trial the petitioner left India but did not return back to the country for nearly five years and with great difficulty her presence was secured. It is further stated that the trial Court went to the extent of keeping her in jail. In view of the above, he submits that if the passport is handed over to the petitioner, there is every likelihood of she evading the process of law.

The said fact of petitioner leaving the Country pending trial and not attending

the Court for nearly five years is not seriously disputed by the learned counsel for the petitioner. Having regard to the circumstances stated above, it would be appropriate if the appellate Court is directed to dispose of the Criminal Appeal within a period of two months from the date of receipt of a copy of this order. It is made clear that the appellant and the respondent shall co-operate with the Court in disposal of the appeal.

With the above direction, the Criminal Revision Case is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.05.2015
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