

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1870 of 2015

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ORDER

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The petitioner preferred the present criminal revision case challenging the order of dismissal dated 21-08-2015 passed by the learned XX Metropolitan Magistrate, Cyberabad at Malkajgiri, in Crl.M.P.No.463 of 2015 in C.C.No.153 of 2015.

2. The petitioner is facing the trial for the offence punishable under Section 498-A I.P.C. He filed Crl.M.P.No.463 of 2015 under Rule 219 of Criminal Rules of Practice for return of his passport. Having observed that if the petitioner flies away during the pendency of the trial, it would be difficult to secure the presence of the petitioner at the time of Section 313 Cr.P.C. examination and at the time of pronouncing the judgment, the trial Court dismissed the said petition by the order impugned. Questioning the same, the petitioner filed the present revision.

3. Heard both sides and perused the material on record.

4. Learned counsel for the petitioner submitted that the petitioner is facilitated with job opportunity in abroad and if the passport is not returned to him, he may lose that opportunity. He further submitted that the petitioner is ready to represent before the Court through his counsel by way of Special Vakalat and undertake to appear before the concerned Court as and when required by the trial Court.

5. Considering the said facts and circumstances of the case, the trial Court is directed to return the passport to the petitioner on his execution of a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like

sum and also on filing of an affidavit informing the date on which he is leaving for abroad and giving undertaking to appear before the concerned Court as and when required by the trial Court. The petitioner is also directed to represent his case through a counsel on all hearings concerned. The trial Court is directed to insist the appearance whenever there is necessity as per the provisions of Code of Criminal Procedure.

6. With the above directions, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

11th September, 2015

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