

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5044 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to set aside the order passed in Crl.M.P.No.307 of 2013 in C.C. No.85 of 2013 on the file of learned IV Metropolitan Magistrate, Bheemunipatnam in dated 24.01.2013 and the petitioner filed an application in Crl.M.P.No.2342 of 2014 seeking to return the passport that was deposited pursuant to the conditions in the bail order dated 24.01.2013 in Crl.M.P.No.307 of 2013 during the pre-cognizance stage.

2) It is the submission that learned Magistrate dismissed the application without adverting to the necessity of the petitioner for his frequent leaving the country to go on official duties being worked in a multi national company.

3) Even as per Section 6(2)(f) of the Indian Passport Act with reference to the notification in G.S.R.570(E), dated 25.08.1993 of Department of Ministry of External Affairs, permission is required of the learned Magistrate concerned, where C.C. is pending either for renewal of passport or even transit permission and no such petition admittedly filed so far. Needless to say any such petition is filed to be permitted, the learned Magistrate can consider to relax the condition in the bail order to permit to take back the passport pursuant to that order for his transit permission to leave the country. However, as he claims that it is the difficulty all over, the learned Magistrate shall take up the trial. As it is represented that charges already framed and accused were examined and denied truth of the accusation and the case is pending for trial; the learned Magistrate shall take up and complete the trial preferably within two months from the date of

receipt of this order.

4) With the above observations, the Criminal Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19.06.2015

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