

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.957 of 2015

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ORDER:

This Criminal Revision Case is filed by the petitioners-A2 and A3 against the docket order dated 30.4.2015 passed by the I Additional Chief Metropolitan Magistrate at Visakhapatnam in unnumbered Crl.M.P. in C.C.No.1265 of 2014.

It is stated that while granting anticipatory bail to the petitioners, this Court imposed some conditions and one among them is as follows:

“The petitioners-A2 and A3 shall not leave the State of A.P. pending enquiry/trial without prior permission of the Court of concerned Magistrate/trial Judge.”

Now, it is brought to the notice of this Court that the investigation was completed and the charge sheet has also been filed and therefore, the present petitioners filed an application for return of their passports on the ground that they intend to visit USA. The learned Magistrate returned the said application observing as follows:

“How this petition is maintainable before this Court without obtaining permission from the Hon'ble A.P. High Court in view of the directions given by the Hon'ble High Court in Crl.P.No.5106 of 2014 on 29.4.2014. Hence returned”.

Aggrieved over the same, the petitioners approached this Court.

Heard and perused the material available on record.

The learned Magistrate failed to appreciate the order in Crl.P.No.5106 of 2014 in a proper perspective. In view of the fact that taking into consideration the stage of the trial the trial Court will be in a better position to decide the issue whether the passport can be returned or not, this Court while granting anticipatory bail, directed the petitioners to surrender the passport and to approach the trial Court whenever they intend to leave the State of A.P. The order of the learned Magistrate in returning the application filed by the petitioners is not sustainable.

In the circumstances, the learned I Additional Chief Metropolitan Magistrate at

Visakhpatnam is directed to number the application filed by the petitioner and pass appropriate orders on the said application, on or before 5th July, 2015.

With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

16.6.2015

Note:

Issue C.C. tomorrow

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HON'BLE SRI JUSTICE RAJA ELANGO

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