

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.11719 of 2014

ORDER:

1. This petition is filed by the petitioner seeking to modify the order dated 8.8.2014 passed by the IX Metropolitan Magistrate, Cyberabad, in CrI.M.P.No.2637 of 2014 in C.C.No.1294 of 2013.

2. The petitioner filed the above CrI.M.P. before the trial Court seeking to return his passport. The trial Court allowed the said petition directing the office to return the passport to the petitioner on condition of the petitioner furnishing surety of Rs.2,00,000/-, and directing the petitioner to appear before the Court on each and every date of adjournment. The trial Court also observed that if the petitioner fails to appear before the trial Court on each and every date of adjournment, the said amount of Rs.2,00,000/- shall be confiscated to Government. Aggrieved by the said conditions, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner has sought for relaxation of the above conditions on the ground that the petitioner is a Software employee and he has to travel around the world in order to meet his project requirements and he needs his passport for four months only to go to abroad and therefore, the conditions imposed by the trial Court are unjustifiable.

5. The material on record including the order under challenge does not disclose as to whether the petitioner informed the trial Court as to when he intends to leave the Country and when he intends to surrender his passport and appear before the trial Court.

6. Considering the facts and circumstances of the case, the order under challenge is set aside and the matter is remanded to the trial

Court for passing orders afresh. The petitioner is directed to file an additional affidavit in the above CrI.M.P.No.2637 of 2014 in C.C.No.1294 of 2013 before the trial Court informing the dates as to when he intends to leave the Country and when he intends to surrender the passport. On such affidavit being filed, the trial Court shall pass appropriate orders in accordance with law.

7. Accordingly, the Criminal Petition is disposed of.

RAJA ELANGO, J

6th July 2015
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HONOURABLE SRI JUSTICE RAJA ELANGO

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