

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3162 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner- de facto complainant aggrieved over the order dated 9.12.2015 passed by the I Additional Judicial First Class Magistrate, Khammam in Crl.M.P.No.1196 of 2015 in Crl.M.P.No.1190 of 2015 in Crime No.83 of 2015.

2. The petitioner is the de facto complainant in Crime No.83 of 2015 registered for the offence punishable under Sections 498-A r/w 506 IPC and Sections 3 & 4 of the Dowry Prohibition Act. The petitioner filed the impugned petition seeking to direct the 1st respondent-accused to produce his passport and travel documents. It is the case of the de facto complainant that the 1st respondent-accused is working at Canada and he is planning to leave to Canada on 19.12.2015. The learned Magistrate returned the said petition on the ground of its maintainability. Aggrieved by the same, the petitioner-de facto complainant filed this revision.

3. Heard and perused the material available on record.

4. The impugned petition was filed by the petitioner under Section 94 Cr.P.C. r/w Section 14 of the Passport Act seeking a direction to the 1st respondent to produce his passport and travel documents. The learned Magistrate passed the following order:

“State how the petition is maintainable before this Court”.

When the petition was returned on the ground of its maintainability, it is the duty of the petitioner to inform the Court regarding the maintainability of the petition by way of filing a memo. Without giving

any such explanation or reasons, the approach of the petitioner by way of filing this revision is not permissible. Therefore, the petitioner is directed to file a memo informing the Court below regarding the maintainability of the impugned petition. On such memo being filed, the learned Magistrate is directed to consider the same in accordance with law and pass appropriate orders. If the petitioner is aggrieved over the orders to be passed by the learned Magistrate, she is at liberty to approach the appropriate forum.

5. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 17th December, 2015

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