

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2263 OF 2015

-

ORDER:

The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 29.06.2015 passed in CrI.M.P. No.162 of 2015 in C.C. No.14 of 2008 by the Principal Special Judge for SPE and ACB cases, City Civil Courts, Hyderabad cum FAC Special Judge for Speedy Trial of cases of Embezzlement of Scholarships/Amounts in Social Welfare Department at Hyderabad.

Heard and perused the material available on record.

Petitioner is A2 in CC No.14 of 2008. He filed the above application before the Court below for return of his passport for a period of three months to go to abroad. The Court below dismissed the said application through the impugned order.

Learned Counsel for the petitioner submitted that the son of the petitioner is residing in Ajman, UAE and as the petitioner intending to attend the Barasala ceremony of his grand daughter and also to get his wife medically checked in a hospital in Ajman, he sought for release of his passport for interim custody and without considering the same, the Court below has dismissed the said application.

A perusal of the record discloses that the main case before the Court below is pending for framing of charges. The ground on which the Court below refused to return the passport of the petitioner is that since the petitioner is A2 in the main case his presence is very much required at the time of framing of charges and if the petitioner is permitted to go abroad at this stage, it would cause in further delay for framing the charges. Considering the facts and circumstances of the cases, this

Court is inclined to pass the following order:

The Court below is directed to return the passport of the petitioner after framing of charges, on the petitioner filing an affidavit informing the date on which he is leaving the country and also on which date he will return from abroad and also after return from abroad, he will deposit the passport before the Court below.

With the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

November 02, 2015

KTL

