

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2493 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 30.09.2015 passed in CrI.M.P. No.253 of 2015 in C.C. No.372 of 2013 by the Judicial Magistrate of First Class (Spl. Mobile), Karimangar, whereby the learned Magistrate has dismissed the application filed by the petitioner for return of his original passport.

The case of the petitioner is that he faced trial in CC No.372 of 2013 and after due trial, he was acquitted from the charges in the said CC. At the time of his release on bail, he deposited his original passport before the trial Court, as per the directions of the Court. Therefore, he filed CrI.P.M.P. No.253 of 2015 before the trial Court seeking release of his passport. The trial Court dismissed the said application on the ground that against the judgment in CC No.372 of 2013, an appeal was preferred before the III Additional District and Sessions Judge, Karimangar, and the entire case record in the said case was called for in the said appeal and, therefore, the passport cannot be returned to the petitioner by that Court. Aggrieved by the same, the present revision is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the learned trial Judge has erred in dismissing the application of the petitioner and without application of mind, the learned trial Judge has passed the impugned order, which is against the mandate of Rule 219 of Criminal Rules of Practice and, therefore, the same is liable to be set aside.

Rule 219 of Criminal Rules of Practice reads as under:

“219. Return of documents – application to be made therefore:-

Applications from parties or other persons for the return of documents filed in Court shall be made to the Court in which they were originally filed. If application is made for any document which has been transmitted to another Court, the Court in which the document was originally filed shall itself apply for the transmission of the documents and on receipt shall return it to the applicant.”

After perusing the impugned order and the rule position referred to above, this Court is of the view that the learned Magistrate has not followed the mandate prescribed in the above Rule and hence, the order passed by the learned Magistrate is not in accordance with law.

Hence, this Court is of the view that the Criminal Revision Case can be disposed of with the following directions:

The petitioner is directed to file a fresh application for return of his original passport and, on filing of such application, the Judicial Magistrate of First Class, (Spl. Mobile), Karimnagar, is directed to pass appropriate orders in accordance with the mandate prescribed in Rule 219 of the Criminal Rules of Practice.

Subject to the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

October 29, 2015

KTL