

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.867 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the petitioner challenging the order of XV Metropolitan Magistrate, Cyberabad at Medchal, R.R.District in dismissing CrI.M.P.No.588 of 2015 in C.C.No.501 of 2012 filed under Section 219 Cr.P.C. seeking to return of the original passport of the petitioner which was recovered and seized by the immigration authorities at Rajiv Gandhi International Airport, Hyderabad.

In C.C.No.501 of 2012 the petitioner was arrayed as accused and facing trial for the offences under Sections 420, 498 and 506 IPC. In an earlier occasion, pending trial, he filed CrI.R.C.No.1998 of 2012 before this Court and this Court disposed of the said revision on 17.10.2012 directing the trial Court to return the passport to the petitioner on condition of his filing an affidavit for his appearance on the date of judgment and also directed him to deposit a sum of Rs.1.00 lakh towards surety for his appearance before the trial Court. Accordingly, on complying with the said conditions, the passport was returned to the petitioner. Thereafter in view of the absence of the petitioner before the trial Court, N.B.Ws. were issued against him and he was arrested by the respondent-police and produced before the trial Court. Again, he filed the present application seeking return of original passport that was in the custody of the trial Court. The trial Court by the impugned order dismissed the application. Hence the present revision.

It is submitted by the learned counsel for the petitioner that the petitioner is only the bread winner of his family and if the passport is not returned to him, he may loose his job at Kattar.

Having regard to the facts and circumstances of the case, the trial Court is directed to return the original passport to the petitioner on the same terms and

conditions as imposed by this Court in its earlier order and proceed with the trial in the absence of the petitioner and also dispense with his presence before it on hearing dates and also for examination of petitioner. Further the petitioner may be allowed to answer the questions through his counsel for the questions to be posed under Section 313 Cr.P.C.

With the above directions, the revision is disposed of. Consequently, pending miscellaneous petitions shall stand closed.

JUSTICE RAJA ELANGO

10.06.2015

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