

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1068 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner – Accused No.1, aggrieved by the docket order, dated 22.04.2015 in CrI.M.P. No.198 of 2015 passed in C.C. No.706 of 2013 by the Judicial Magistrate of First Class, Kamareddy, Nizamabad District, whereby learned Magistrate dismissed the application of the petitioner.

Heard and perused the material available on record.

Petitioner is the husband of the de facto complainant. Their marriage was performed on 01.03.2012 and after marriage, they lived happily for a period of three months. Thereafter, the petitioner along with his family members, started harassing the de facto complainant for demand of additional dowry. Therefore, the de facto complainant lodged a complainant against the petitioner and his family members, upon which a case in Crime No.464 of 2013 for the offence under Section 498(A) IPC was registered. Thereafter, the de facto complainant was living with her parents. On coming to know that the petitioner and other accused are trying to sell out the gold ornaments of the de facto complainant and also the bike, the de facto complainant and her family members went to the house of the petitioner and asked them about the same. Then, the petitioner and other accused threatened them with dire consequences. On the complaint given by the de facto complainant a case in Crime No.621 of 2013 for the offences under Sections 406, 420 and 506(ii) read with 34 IPC was registered.

During the course of investigation, the police arrested the mother, sister and brother of the petitioner (A2 to A5) and released them on bail. As the petitioner was in Gulf, the police could not arrest him and therefore, charge sheet was filed against A2 to A5 by showing

the petitioner as absconding. The Court below took cognizance of the case for the offences punishable under Sections 406, 420 and 506(ii) IPC against the accused, and issued NBW against the petitioner. The petitioner was apprehended at Airport, New Delhi, and thereafter, he was produced before the Court below and was sent for judicial custody. The original passport of the petitioner was also seized and deposited in the Court. Subsequently, the petitioner was enlarged on bail. The petitioner filed CrI.M.P. No.198 of 2015 before the Court below for return of his passport. The Court below dismissed the said application. Hence, he filed the present revision.

Learned counsel for the petitioner submitted that in view of deposit of the passport in Court, the petitioner could not be able to proceed for his job at Gulf, which causes prejudice to him and the petitioner is ready to appear before the Court below as and when required by the Court.

Considering the facts and circumstances of the case and also in view of the fact that the relatives of the petitioner are also arrayed as accused in the case, this Court is of the view that release of passport in favour of the petitioner will not cause any prejudice to the trial of the case.

Hence, the Judicial Magistrate of First Class, Kamareddy, is directed to return the original passport of the petitioner on condition of the petitioner executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only). The petitioner is further directed to file an affidavit before the trial Court to the effect that he will be represented through one of his relatives as his power of attorney to face the trial and that he will appear before the trial Court as and when required by the Court.

With the above directions, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending shall stand

closed.

June 24, 2015
KTL

RAJA ELANGO, J