

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1950 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 31.08.2015 passed in CrI.M.P.No.4971 of 2015 in Cr.No.24 of 2015 passed by the Court of the XIII Additional Chief Metropolitan Magistrate (Mahila Court), at Hyderabad, whereby the learned Judge allowed the petition filed by the petitioner seeking return of his passport bearing No.K2072843 to go to Muscat, Oman, on condition of the petitioner submitting Fixed Deposit Receipt for a sum of Rs.1,00,000/- with one surety.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is working at Muscat, but the Court below allowed the petition filed by the petitioner granting interim custody of passport bearing No.K2072843 for a period of only two years, which is illegal. He also submits that while granting custody, the Court below erroneously made a condition on the petitioner to deposit of Rs.1,00,000/- with one surety in the form of Fixed Deposit Receipt. Hence, he prays this Court to set aside the order of the Court below and release the passport of the petitioner without insisting any condition on the petitioner.

This Court is of the view that it is not necessary in all cases to impound the passport simply because a criminal case is registered against the person. The impounding of the passport is based on the facts and circumstances of each case. This Court is of the view that in view of the facts and circumstances involved in the present case, impounding of passport is not necessary. Hence, the order passed by the Court below insofar as the condition of the petitioner in depositing an amount of Rs.1,00,000/- is set aside and further, interim custody of the passport for a period of two years is also set aside. Hence, the Court below is directed to release the passport to the petitioner and the petitioner is at liberty to keep

the passport with him. The presence of the petitioner/accused before the trial Court is dispensed with except on the dates when the trial Court insists for his appearance and the petitioner is directed to represent the case through his counsel.

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

JUSTICE RAJA ELANGO

10.09.2015
pln