

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1816 of 2015

ORDER:

This criminal revision case, under sections 397 and 401 of the Code of Criminal Procedure, is filed by the petitioner-Accused No.1 challenging the order, dated 11.08.2015, passed in CrI.M.P. No.377 of 2015 by the Metropolitan Sessions Judge, Cyberabad, L.B. Nagar.

Petitioner is A1 in CC No.1833 of 2014 arising out of Crime No.599 of 2014 on the file of KPHB Police Station, for the offences under Sections 498-A IPC and 3 & 4 of the Dowry Prohibition Act. He was granted anticipatory bail by the Metropolitan Sessions Judge, Cyberabad, L.B. Nagar, in CrI.M.P. No.917 of 2015 vide order, dated 18.05.2015. While granting anticipatory bail to the petitioner, learned Sessions Judge directed the petitioner to surrender his Visa and Passport before the XIX Metropolitan Magistrate, Kukatpally, Miyapur, and also not to leave the limits of twin cities without prior permission from the concerned Magistrate. As per the directions of the learned Sessions Judge, the petitioner had surrendered his passport before the trial Court.

The petitioner filed CrI.M.P. No.377 of 2015 before the Metropolitan Sessions Judge, Cyberabad, to return his Visa and Passport as he intends to go to Australia. Learned Sessions Judge dismissed the said application through the impugned order. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is working as an Assistant Manager in Polar Fresh, Melbourne, Australia, and he has to proceed to Australia in order to attend his duties and if his passport is not returned, he may lose his job and his future will be spoiled.

Learned Public Prosecutor opposed the application on the ground that in case the passport is returned to the petitioner, he may not appear before the trial Court and the trial in CC No.1833 of 2014 cannot be proceeded.

Learned counsel for the petitioner submitted that the petitioner may be directed to represent through his parents, who are also arrayed as accused in the said case, and the petitioner is ready to execute bond for his appearance as and when required by the trial Court.

Considering the facts and circumstances of the case and also the submissions of the learned counsel for the petitioner, the learned XIX Metropolitan Magistrate at Kukatpally, is directed to return the Visa and Passport to the petitioner on condition of the petitioner depositing Rs.10,00,000/- (Rupees ten lakhs only) to the credit of CC No.1833 of 2014. Further, the trial Court is directed to allow the parents of the petitioner to represent the petitioner during the time of trial of CC No.1833 of 2014, since the question of identity of the petitioner does not arise before the trial Court.

With the above direction and observations, the Criminal Revision Case is disposed of. Miscellaneous Petitions if any pending, shall stand closed.

RAJA ELANGO, J

September 01, 2015

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