

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1694 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner-accused No.1 under Sections 397 and 401 Cr.P.C., challenging the order, dated 09.062016, passed in CrI.M.P. No.1410 of 2016 in Crime No.3 of 2016 passed by the Judicial Magistrate of First Class, Devarakonda, whereby the learned Magistrate dismissed the application of the petitioner for return of his passport.

Heard and perused the material available on record.

The petitioner is accused No.1 in Crime No.3 of 2016 on the file of Gudipally Police Station, Nalgonda District, for the offences punishable under Sections 498-A and 506 r/w.34 IPC. He was arrested and sent to judicial custody and subsequently, he was granted bail by the Court below. During the course of investigation, police seized his passport and deposited it in the Court. The petitioner filed the impugned application for release of his passport. The Court below dismissed the said application through the order impugned. Against the same, the present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is working in Central Africa even prior to his marriage and if he fails to join in his job, he may lose his job and hence, his passport may be directed to be returned and also he may be permitted to leave the Country.

Learned Additional Public Prosecutor opposed the application on the ground that if the passport is returned, the petitioner may not appear before the Court to face the trial.

Learned counsel for the petitioner further submitted that the petitioner is ready to give an undertaking that he will appear before the

Court below as and when his presence is required and also will represent his case through his counsel on all hearing dates.

Considering the submissions of the learned counsel for the petitioner, this Court is of the view that return of passport to the petitioner will not cause any prejudice to the case of the prosecution and refusal of return of passport will certainly cause prejudice to his future.

Hence, the Court concerned is directed to return the passport of the petitioner on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum and also on filing an undertaking to the effect that he will represent his case through his counsel on all hearing dates and also he will appear before the Court concerned, as and when his presence is required.

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

RAJA ELANGO, J

June 30, 2016.
KTL