

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2898 OF 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The present Criminal Revision Case is directed against the order dated 20.04.2015 passed in CrI.M.P.No.612 of 2015 in Crime No.590 of 2012 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad, wherein and whereunder the petition filed under Section 451 read with 457 Cr.P.C., was dismissed.

3. A perusal of the material on record would show that passport bearing No.J 9218271 came to be seized by the Investigating Officer in Crime No.590 of 2012 of Police Station Chilkalguda, registered for the offences punishable under Sections 420, 468, 471 IPC and Section 12(b) of the Indian Passport Act. The petitioner filed CrI.M.P.No.612 of 2015 seeking return of passport towards interim custody in favour of the petitioner pending disposal of the main case, which was rejected on the ground that investigation is still in progress.

4. Learned counsel appearing for the petitioner submits that the passport of the petitioner is a genuine one, in which case, there cannot be any impediment for return of the passport of the petitioner for interim custody.

5. Learned Public Prosecutor appearing for the respondent/State submits that the petitioner does not deserve for return of the passport for interim custody. However, he does not dispute the fact that the passport of the petitioner is a genuine one.

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6. It is to be noted that genuineness of the passport is not in dispute. Therefore, there cannot be any impediment for release of the passport of the petitioner. Once genuineness of the passport is not in dispute, this Hon'ble Court in CrI.R.C.No.9 of 2013 released the passport in favour of the petitioner in the very same crime. Since the issue in this case is identical to the case referred above, the request of the petitioner can be considered on certain terms and conditions.

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7. Accordingly, the Criminal Revision Case is allowed setting aside the order dated 20.04.2015 passed in CrI.M.P.No.612 of 2015 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad, and permitting the petitioner to receive the passport, which has been seized and deposited before the learned X Additional Chief Metropolitan Magistrate at Secunderabad, in Crime No.590 of 2012 of Chilkalguda Police Station subject to the following conditions:

- 1) The petitioner shall give an undertaking before the trial Court that he will produce the passport bearing No. J 9218271 as and when required by the trial Court.
- 2) The petitioner shall make himself available to the Investigating Officer for the purpose of investigation as and when required.

Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:27.04.2016
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