

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1980 of 2016

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ORDER:

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The present revision is filed under Sections 397 and 401 Cr.P.C. against the order dated 02.05.2016 passed in Crl.M.P.No.1192 of 2016 in C.C.No.3586 of 2013 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur, wherein the application filed for return the passports was rejected.

The facts in issue are as under:

The petitioners herein were charge sheeted for the offences punishable under Sections 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act. During the course of investigation, the petitioners vide Crl.M.P.No.2756 of 2012 in Crime No.344 of 2011, seeking release in the event of their arrest in the above crime. By an order dated 18.07.2012, the learned Sessions Judge, granted bail to the petitioners on certain terms and conditions, and one of the condition was that the petitioners shall deposit passport within two days from the date of release. It is stated that the said order has been complied with and the passport was deposited pursuant thereto. Thereafter, the petitioners filed a petition under Section 451 of Cr.P.C. seeking return of their passports which was dismissed. Challenging the same, the present revision came to be filed.

In order to appreciate whether the said revision is maintainable, it would be useful to refer to Section 451 of Cr.P.C., which reads as under:

“Order for custody and disposal of property pending trial in certain cases: When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural delay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Explanation.- For the purposes of this section," property" includes-

(a) property of any kind or document which is produced before the Court or which is in its custody,

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence”.

It is to be noted that Section 451 of Cr.P.C. relates to an order for custody and disposal of property when it was produced before any Criminal Court during any inquiry or trial. Once the property is produced, the Court may make such order as it thinks fit for the proper custody of such property pending conclusion of inquiry or trial. It is to be noted that in the instant case the property which is a document is produced pursuant to the order passed by the Court while granting bail to the petitioners under Section 437 of Cr.P.C. It was a condition precedent for releasing the petitioners on bail. Since the condition for depositing the passport is with regard to release of petitioners under Section 437 of Cr.P.C., the petitioners cannot ask for return of such passport under Section 451 of Cr.P.C..

In view of the above, the request of the petitioners is

rejected giving liberty to the petitioners to make an application for relaxation or modification of order before the Court which has imposed the condition while granting bail, in which event, the same shall be dealt with, in accordance with law.

Accordingly, the revision is disposed of.

As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C. PRAVEEN KUMAR, J

28.07.2016

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