

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2493 of 2016

ORDER:

- 1) The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the docket order dated 27.07.2016 passed in CrI.M.P.No.1298 of 2016 in Crime No.78 of 2016 on the file of the II Additional Judicial Magistrate of First Class, Jagtial, wherein an application filed for return of the Original Passport was returned on the ground of maintainability.
- 2) As seen from the record an application came to be filed seeking return of Original Passport bearing No.K5712812 for a period of three months. The said application was returned as not maintainable stating that the property mentioned in the petition ie. Passport is not deposited as property and deposited document at the time of remand.
- 3) Admittedly, the passport bearing No. K5712812 is now in the custody of the Court. The remand report which has been placed before the Court would show that while seeking remand of the accused, the passport which has been seized from the accused was deposited before the Court.
- 4) Explanation (a) of Section 451 of Criminal Procedure Code shows that the property includes property of any kind or document which is produced before the Court or which is in its custody.

5) Having regard to the facts and circumstances of the case and since the passport which is now in the custody of the Court, it would be just and proper for the Court to deal with the matter on merits instead of returning it on the ground of maintainability. Hence, the docket order dated 27.07.2016 is set aside and the learned trial Court is directed to pass orders by giving reasons.

6) With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, shall stand closed.

30.09.2016
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JUSTICE C. PRAVEEN KUMAR

