

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL REVISION CASE No.881 of 2016**

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**ORDER:**

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The present revision is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 07.01.2016 passed in CrI.M.P.No.781 of 2015 in C.C.No.42 of 2007 on the file of the Principal Special Judge for SPE and ACB Cases, Hyderabad, wherein and whereunder the trial Court refused to return the passport on a representation made by the counsel appearing for the State that the prosecution is going to file an appeal against the judgment in C.C.No.42 of 2007.

The petitioner herein along with others were tried in C.C.No.42 of 2007 on the file of the Principal Special Judge for SPE and ACB Cases, Hyderabad, for the offences punishable under Sections 13 (1) (d) (ii) read with Section 13 (2) of the Prevention of Corruption Act, 1988 and under Sections 420 and 120-B IPC. By its judgment dated 23.09.2015 the learned Special Judge acquitted the accused of all the charges levelled against them. The relevant portion of the judgment is as under:

“Accused are found not guilty for the offences alleged and they are acquitted under Section 248 (1) Cr.P.C. The bail bonds of the accused officers and their sureties shall stand cancelled in terms of

Section 437 (A) of Cr.P.C. M.O.1 seized cash of Rs.50,000/- shall be confiscated to State after the appeal time is over. The seized Maruthi Car bearing No.AP 29 C 9726 of accused No.2 was already returned to him. Accused No.2 is entitled to retain the same on the same conditions imposed by this Court till the appeal time is over and after that without any conditions, if no appeal is preferred.”

Thereafter, the petitioner filed CrI.M.P.No.781 of 2015 seeking return of his passport since the case against him ended in an acquittal. The trial Court dismissed the said application on the ground that the prosecution is contemplating to file an appeal.

It is to be noted that till date no appeal is filed and even if an appeal is filed, releasing of passport will not come in the way of the trial Court unless there is a specific direction to the contrary by this Court. As no appeal is filed till date, question of withholding of the passport would not arise.

Having regard to the facts and circumstances of the case, the order under challenge is set aside and the trial Court is directed to return the passport deposited/seized in C.C.No.42 of 2007 on the file of the Principal Special Judge for SPE and ACB Cases, Hyderabad in favour of the petitioner.

Accordingly, the Criminal Revision Case is allowed. Miscellaneous petitions, if any, shall stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

19.04.2016

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