

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2943 OF 2016

ORDER:

This revision case is filed by the petitioner-accused under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.) challenging the order dated 05.10.2016 in CrI.MP.No.665 of 2016 in SC.No.423 of 2013 on the file of the V Additional Metropolitan Sessions Judge (Mahila Court) at Hyderabad.

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

3. A perusal of the record reveals that the petitioner herein faced trial in SC.No.423 of 2013 for the offences punishable under Sections 354 and 506 of the Indian Penal Code (IPC). The trial Court, after full-fledged trial, arrived at a conclusion that the prosecution failed to prove the guilt of the petitioner for the offences punishable under Sections 354 and 506 IPC and acquitted the petitioner of the same on 21.09.2016. A perusal of the record further reveals that the trial Court issued non-bailable warrant (NBW) against the petitioner and the petitioner filed an application under Section 70(2) Cr.P.C. to recall NBW issued against him. The trial Court, while allowing the recall petition, directed the petitioner to surrender his passport. In pursuance of the directions of the trial Court, the petitioner surrendered his passport.

4. After acquittal, the petitioner filed CrI.MP.No.665 of 2016 with a prayer to return his passport. The trial Court allowed the petition on 05.10.2016 with a direction to return the passport to the petitioner on his executing a personal bond for Rs.25,000/- and further, the petitioner is

directed to return the passport within six (6) months from the date of the order. The present revision is filed challenging the order of the trial Court to the extent of the above said direction.

5. As observed earlier, the petitioner faced the trial and he was acquitted. In such circumstances, directing the petitioner again to return his passport after six months is not sustainable.

6. Having regard to the facts and circumstances of the case, the Criminal Revision Case is allowed setting aside the order of the trial Court to the extent that the petitioner shall surrender his passport after six months. The remaining portion of the order of the trial Court is confirmed. Miscellaneous petitions, if any pending in this criminal revision case, shall stand closed.

25th November 2016
RRB

(T.SUNIL CHOWDARY, J)

