

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2842 of 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 challenging the order, dated 31.10.2016, in CrI.M.P.No.3112 of 2016 in HQPOR No.14 of 2016-CUS-Prev. on the file of Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard both sides.

3. Learned counsel for the petitioner would submit that when the visa of the petitioner is expired, she filed a petition before the Court below for release of passport so as to enable her to renew the visa and the same was dismissed on erroneous grounds.

4. Learned Assistant Solicitor General would submit that once the passport of the petitioner is released, it is very difficult to secure her presence, who is not a citizen of this Country. He further submitted that the investigation is in progress.

5. A perusal of the record reveals that the petitioner belongs to Nairobi, Republic of Kenya. On 13.07.2016, the petitioner came to Hyderabad from Dubai. The Custom officials inspected her in Rajiv Gandhi International Airport, Shamshabad and seized 4 yellow metal bars, 99.9% purity of gold weighing a total of 466.100 gms worth of Rs.14,35,588/-, one piece of yellow metal, 75% purity of Gold weighing a total of 27.00 grams, valued at Rs.62,370/- and one piece of yellow metal bar, 80% purity of gold weighing a total of 408.200 gms, valued at Rs.10,05,804/-. Thus, total value of said gold items is Rs.25,03,762/-. The Custom officials also seized 6 gold bars valued at Rs.25,03,762/- from the possession of the

petitioner under the cover of panchanama, dated 13.07.2016. It is the case of the prosecution that the petitioner is carrying gold without any valid licence for the purpose of smuggling. The petitioner filed a petition under Section 167 Cr.P.C. for return of the passport. The trial Court, after considering the material available on record, dismissed the petition.

6. A perusal of the record, *prima facie* reveals that the petitioner smuggled the gold. The trial Court made an observation that if the passport is released to the petitioner, it is very difficult to secure her presence. The petitioner did not furnish her address in Hyderabad City. The petitioner is not having permanent address in the city or having immovable property. In such circumstances, securing the presence of the petitioner is highly difficult once the passport is released. The trial Court considered various aspects in right perspective and dismissed the petition. As rightly pointed out by learned Assistant Solicitor General, it is very difficult to secure the presence of the petitioner in future.

7. Having regard to the facts and circumstances of the case, I find no illegality or irregularity in the impugned order, which warrants interference by this Court. In view of pendency of the investigation, this Court is not inclined to release the passport in favour of the petitioner.

8. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this revision case shall stand closed.

T.SUNIL CHOWDARY, J

DECEMBER 07, 2016
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Date: 07.12.2016