

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.10415 of 2014

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 12-05-2014 in CrI.M.P.No.2 of 2014 in C.C.No.7 of 2008 passed by the learned I Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, FAC Special Judge under the Prevention of Corruption Act, Nampally, Hyderabad, dismissing the petition filed under Section 451 and 457 Cr.P.C. for release of Passport bearing No.F-3314688 to the petitioner.

The petitioner herein filed a CrI.M.P.No.2 of 2014 in C.C.No.7 of 2008 under Section 451 and 457 Cr.P.C. seeking to release of Passport bearing No.F-3314688 seized by the Immigration authorities, which was later on handed over to ACB officials, in connection with the alleged offences in C.C.No.7 of 2008 initiated against him. The learned Special Judge dismissed the said application, holding that no justifiable reasons are mentioned for release of passport, except reiterating the same facts as were stated in earlier application in CrI.M.P.No.81 of 2011, which was dismissed on 15-06-2011. The learned Special Judge further held that the prayer itself was vague and unintelligible. Aggrieved by the said order, the present criminal petition is filed.

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

From the material on record, it is evident that the alleged crime was occurred in the year 2000 and the charge sheet was filed in the year 2007 and the trial has not been commenced so far. The petitioner clearly stated that he is looking for a marriage

alliance for his daughter in USA and he wants to visit USA and also for renewal of his passport, for which purpose he requested for release of his passport. The circumstances mentioned in the petition are but just and reasonable.

Having regard to the fact that the said case was pending from 2007 onwards and considering the circumstances stated by the petitioner for release of passport, this Court is of the view that interests of justice would be better served, if the passport of the petitioner is directed to be released. Therefore, the order dated 12-05-2014 in CrI.M.P.No.2 of 2014 in C.C.No.7 of 2008 passed by the Special Judge under the Prevention of Corruption Act, Nampally, Hyderabad is liable to be set aside.

Accordingly, the Criminal Petition is allowed and the learned Special Judge under the Prevention of Corruption Act, Nampally, Hyderabad is directed to release the passport of the petitioner bearing No.F 3314688 which is under the custody of Joint Director, Anti Corruption Bureau (CIU), Banjara Hills, Hyderabad, Telangana State under proper acknowledgment being obtained from the petitioner, for the purpose of renewal and also for travel to USA. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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RAJA ELANGO, J

Date: 28-03-2016

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