

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1195 OF 2016

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provision under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 11.04.2016 passed in CrI.M.P.No.384 of 2016 in C.C.No.316 of 2015 by the Court of the Judicial Magistrate of First Class, Palamaner, Chittoor District, whereby the Court below dismissed the petition filed under Section 6(2)(f) of the Passport Act read with Notification in GSR 570(E), dated 25.08.1992 issued by the Government of India to grant permission to visit abroad and direct the respondents 2 and 3 herein to process the application No.HY506878304115 of the petitioner for grant of passport without reference to the criminal case.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the application for grant of passport is not considering by the respondents 2 and 3 on the ground that a criminal case in C.C.No.316 of 2015 in Crime No.22 of 2014 of Baireddipalle Police Station is pending before the Court of Judicial Magistrate of First Class, Palamaner, Chittoor District, which is illegal and arbitrary. He further submits that the Court below also erroneously dismissed the petition filed by the petitioner seeking a direction to the respondents 2 and 3 to process the application and permit the petitioner to go abroad, on the ground that the petitioner's application before the passport authorities is under review and that the same is not refused by the passport authorities.

Considering the facts and circumstances of the case, the respondents 2 and 3 herein are directed to process the application of the petitioner and issue passport to the petitioner and the petitioner is also directed to file an affidavit before the Court below stating the date on which he wants to leave the country and also on execution of a personal bond that he shall appear before the Court below when the trial Court insists for

his appearance, and Court below is directed to permit the petitioner to go abroad.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

02.06.2016

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