

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2122 of 2016

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ORDER:

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1) The petitioner, who is accused No.4 filed the present revision under Sections 397 and 401 of Cr.P.C. seeking return of passport on the ground that she intends to attend the firth birthday of her grand daughter on 18.09.2016 and also spend time with her children in Australia. An affidavit to that effect is also filed before this Court.

2) Learned Public Prosecutor opposed the application contending that there is every likelihood of the petitioner evading the process of law if she leaves India.

3) It is to be noted that though the crime was registered in the year 2009 by WCO, Team IV, CCS, Hyderabad, till date no charge sheet is filed. It is stated before the Court that even some of the accused are not apprehended till date. Since principal accused Nos.1 and 2 are not arrested and as the investigation is pending, filing of charge sheet in the near future appears to be quite remote. Even earlier the petitioner herein filed Crl.M.P.No.698 of 2015 seeking return of her passport to go abroad, which was allowed on certain terms and conditions.

4) In view of the affidavit filed by the petitioner giving reasons for leaving India and having regard to the facts and circumstances of the case more particularly the order passed by the Sessions Court earlier releasing the passport, the request of the petitioner can be considered on certain terms and conditions.

5) Accordingly, the Criminal Revision Case is allowed and the passport bearing No.E5573968 belonging to the petitioner is directed to be returned to the petitioner permitting her to leave India for a period of six months from 01.09.2016, making it clear that the petitioner has to come back and submit the passport on or before 20.02.2017. The petitioner is further directed to furnish a security of Rs.2.00 lakhs by way of F.D.R. and also furnish two sureties for a like sum each. If the petitioner fails to deposit the passport on or before 20.02.2017, the amount so deposited stands forfeited. The petitioner shall furnish the correct address, phone numbers and relationship of the persons with whom she is staying in Australia by way of an affidavit before the Court concerned. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.08.2016
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