

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 14910 of 2016

ORDER:

Vide the present petition, the petitioner seeks direction thereby directing the Court below i.e., XII Additional Chief Metropolitan Magistrate, Hyderabad, to release the passport of the petitioner bearing No.N2613890.

The case of the petitioner is that the petitioner is businessman by profession and the petitioner received invitation i.e., Letter of Intent from M/s Sans Souci Capital Corporation, Canada for discussion and finalization of the proposed funding through communication dated 05.04.2016 and subsequent invitation dated 27.05.2016. The said company has recommended for issuance of business VISA to the petitioner along with other business delegates to attend the said meeting at Canada which is commencing from 15.06.2016 to 30.6.2016. Accordingly, the petitioner approached this Court by filing CrI.P.No.8337 of 2016 and attended the scheduled meeting at Canada, thereafter, he returned the passport.

For the relief sought for in the instant petition, the petitioner approached the Court below moving the application. However, the same has been dismissed.

Learned counsel for the petitioner submits that the petitioner has to go abroad for the business purpose, therefore, the trial Court may be directed to return the passport, so that, he can visit the abroad and do his business, which is his fundamental right.

As admitted by the learned counsel for the respondent that earlier this Court directed to return the passport of the petitioner within three months. He has not defaulted to the said condition imposed by the Court.

Keeping in view the averments made in the instant petition and submission of learned counsel for both the parties, I hereby set aside the order dated 20.09.2016 and direct the Court below to return the passport.

It is made clear that the petitioner shall surrender the passport by 25.1.2017.

I hereby make it clear that if the petitioner is required for the purpose of adjudication he will attend the call of the respondent.

I further make it clear that if the petitioner is required for the aforesaid purpose, the respondent shall communicate the same in writing to the petitioner. Therefore, whenever the petitioner leave India, he shall communicate his address of staying in abroad to the respondent for correspondence.

With the above direction, this Criminal Petition is allowed. No costs.

Miscellaneous Petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date: 17-10-2016
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