

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.No.16775 of 2016

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') is filed challenging the Order dt. 16.11.2016 in CrI.M.P.No.696 of 2016 in CrI.R.P.No.300 of 2015 passed by V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad, for return of the passport of the petitioner/A.1 to go to Singapore.

The Station House Officer, Woman Police Station, Begumpet, North Zone, Secunderabad, filed a charge sheet before XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad and the same was registered as C.C.No.354 of 2014 for the offence punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioners in CrI.M.P.No.576 of 2015 was filed an application under Section 243 of Criminal Procedure Code on the ground that the alleged incident occurred within the State of Chennai in Tamilnadu and the XV Additional Chief Metropolitan Magistrate has no jurisdiction.

Upon hearing both the counsel and considering the material on record, the XV Additional Chief Metropolitan Magistrate, Hyderabad, passed an Order dt. 11-06.2015 returning the complaint dt. 4.03.2014 for presentation before competent Court by exercising power under Section 201 Cr.P.C.

Aggrieved by the said Order, the State preferred a revision in CrI.R.P.No.300 of 2015, which is now pending before V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad. Pending revision, the present Petitioners filed CrI.M.P.No.696 of 2016 for release of passport seized during investigation and the same was partly allowed releasing the passport of the petitioners/A.2 and A.3 and the relief insofar as A.1 is dismissed by the Court without assigning any reason. The Order passed by the learned V Additional Metropolitan Sessions Judge, Hyderabad,

is under challenge on the ground that the order of the Sessions Court is bereft of any reason and no purpose would be served if the passport of the petitioner/A.1 is retained with the Court since the complaint was already returned for presentation before appropriate Court. In such a case, the Order passed by the Sessions Judge cannot be sustained and prayed to set aside the order and release the passport to the petitioner enable him to visit Singapore.

The V Additional Metropolitan Sessions Judge passed a cryptic Order, which is extracted hereunder:

“ Perused the record. The allegations are pertaining to Section 498-A IPC. The petitioners are seeking return of their passports for their visit to their son, who is residing in Singapore. In the above facts and circumstances of the case, I am inclined to allow the petition on certain conditions.

In the result, the petition is allowed in part. Return the passports of the petitioner Nos. 2 and 3 towards interim custody, on their furnishing bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for like sum each to the satisfaction of the learned XV Additional Chief Metropolitan Magistrate, Hyderabad and that the petitioners shall redeposit their passports before the learned Magistrate on or before 18.2.2017, failing which, it shall be a ground for cancellation of bail”.

The V Additional Metropolitan Sessions Judge, Hyderabad, released the passports of petitioner Nos. 2 and 3, who are the parents, who intended to visit their son's house at Singapore, but without any reason retained the passport of the present petitioner/A.1, against whom no proceedings are pending as on today either in the State of Telangana or in the State of Tamilnadu. When no proceedings are pending as on today, retaining of passport with the Court is of no use and on the other hand, it amounts to restricting his movements into the Country.

Taking into consideration the facts and circumstances of the case, I find that it is appropriate to release the passport of the petitioner/A.1 on executing bond for a sum of Rs.50,000/- with two sureties for the like sum each to the satisfaction of XV Additional Chief Metropolitan Magistrate, Hyderabad.

With the above direction, this Criminal Petition is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

December 28, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P.No.16775 OF 2016

Dt.28.12.2016

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