

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.5122 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner/accused seeking to set aside the order dated 17.02.2016 passed by the Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge at Hyderabad in CrI.R.P.No.1 of 2016, wherein and whereby the learned Special Judge dismissed the petition filed by the petitioner/accused seeking to return of his passport bearing No. Z1865462 by confirming the order dated 11.12.2015 passed by the XXI Additional Chief Metropolitan Magistrate-cum-Special Sessions Judge, Hyderabad in CrI.M.P.No.542 of 2015 and consequently order for return of the passport bearing No.Z1865462 to the petitioner.

Heard learned counsel for the petitioner/accused and learned Standing counsel for CBI and perused the material available on record.

It is admitted fact that passport was not marked as evidence in the trial before the lower Court and that even otherwise once the appeal has been admitted and the sentence had been suspended the appellate Court before which the appeal is pending can entertain an application for return of the document.

In that view of the matter, the criminal petition is disposed of directing the Court below to return the passport No.Z1865462 to the petitioner/accused and the petitioner is permitted to leave the country subject to his intimating the Court below about his programme and in the event of his presence is required before the Court below, he shall be served with one month prior notice and that the petitioner is further directed to furnish all his future addresses including electronic communications.

Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

14.09.2016
kvrn

