

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1408 of 2016

ORDER:

The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the return of the CrI.M.P. (SR).No.3669 of 2016 in C.C.No.631 of 2007 on 02.05.2016 by the office of the Court of Judicial Magistrate of First Class-cum-Special Mobile Magistrate Court at Guntur.

Heard and perused the material available on record.

The petitioner filed the CrI.M.P.(SR).No.3669 of 2016 in C.C.No.631 of 2007 to permit him to go to USA for staying for a period of six months to see his son and daughter-in-law, whereunder and whereby the office of the concerned Court returned the said CrI.M.P. on the ground that "how the petition is maintainable under Rule 38 of Criminal Rules of Practice". Aggrieved over the same, this revision case is filed.

Learned counsel for the petitioner submitted that the elder son of the petitioner is residing at Milwaukee City, Wisconsin State of USA and his wife is pregnant and estimated delivery date is 10th October, 2016 and that the petitioner and his wife intended to go to USA to assist their daughter-in-law and that the passport authorities will not consider the passport application, if the petitioner could not get no objection or permission order from the concerned court where the criminal case is pending.

Considering the said facts and circumstances of the case and the submissions of the learned counsel for the petitioner, this Court is of the view that whenever an application is returned by the office of the concerned Court directing the petitioner to inform the maintainability of the application, it is the duty of the petitioner to inform the concerned Court the grounds on which the said petition is maintainable. Even after informing the maintainability and substantiating the

maintainability, if the Court refuses to number the same, the petitioner is at liberty to approach this Court. Hence, the criminal revision case is liable to be dismissed as premature in nature.

Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

Date: 9th June, 2016

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