

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.315 of 2017

ORDER :

Aggrieved by the dismissal order dated 11.01.2016 in CrI.M.P.No.2245 of 2016 in F.I.R.No.69 of 2016 passed by the I Additional Judicial Magistrate of I Class, Nizamabad, this Criminal Revision is filed by the petitioner/ A1.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State and perused the impugned order.

No doubt, police have no right to impound the passport, as it is the prerogative of the passport Authorities as per the statutory provisions of the Indian Passport Act, 1967 (for short 'the Act'). It is not the case of the police impounded the passport as after seizure they deposited in the Court. The application itself seeks return of the passport lying in the Court. As per Section 6(2)(f) read with 22 of the Act, the Central Government Circular in GSR 570E dated 25.08.1993, without permission of the Court concerned, no person accused of a crime can leave the country including to obtain passport or transit permit. Once such is the case, the petitioner is not entitled pending the crime to leave the country by taking back the passport from the Court. However, it is left open to file

application with undertaking affidavit showing any sufficient cause to leave the country and when he can come back and how he can face trial of the case for assurance of availability and to execute bond with sureties or cash deposit or the like as laid down by this Court in Abdul Gaffur Khan v. State of Telangana¹.

Having regard to the above, the Criminal Revision Case is disposed of giving liberty to the petitioner to file any such application before the lower Court to consider for permitting, if any, subject to execution of bond with sureties and property security/ cash deposit/ bank guarantee, with undertaking to produce/ return and to face trial and in the event of non-return or violation of the bond to impose penalty by forfeiture of bond/ security/ cash deposit/ bank guarantee to invoke as per Section 53 I.P.C.,

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:10-03-2017
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¹ 2015(1) ALT 91