

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.2578 OF 2016

ORDER:

The issue is almost covered by order of this Court in CrI.R.C. No.3186 of 2016 including discussion of law as to police have no right to seize the passport once accused submitted to the Court and it is in the Court custody as Court also got a power and the same cannot be collected by police. To say strictly, the expression of the Apex Court in *Suresh Nanda Vs Central Bureau of Investigation*¹ has no direct application also for the reason that the Court power to impose conditions including deposit of passport, as also held in *Siddharam Satlingappa Mhetre vs State of Maharastra*² it is also the duty of the Court not only to protect the interest of the victim but that of the accused till guilt is proved no one can be presumed as culprit but for facing accusation and by taking care of his right to life and liberty and safeguarding his presence to secure, in the event of filing any application by assigning the reasons before the learned Magistrate by the petitioner under Section 6 (2) (f) of Indian Passport Act read with GSR 570 E, dated 25.08.1993, circular of the Central Government, to obtain transit visa or take back the passport to travel, the Court can consider by imposing necessary conditions including as to security/ deposit in the event of non return to impound as part of penalty under Section 53 IPC as observed in CrI.R.C. No.3186 of 2016 dated 08.02.2017.

Accordingly and in the result, the Criminal Revision Case is disposed of giving such liberty to the petitioner to approach the trial

¹ 2008 (3) SCC 674

² 2011 (1) ALT CrI 69 SC

Magistrate within one month from the date of receipt of a copy of this order and the trial Magistrate shall pass order after hearing both sides.

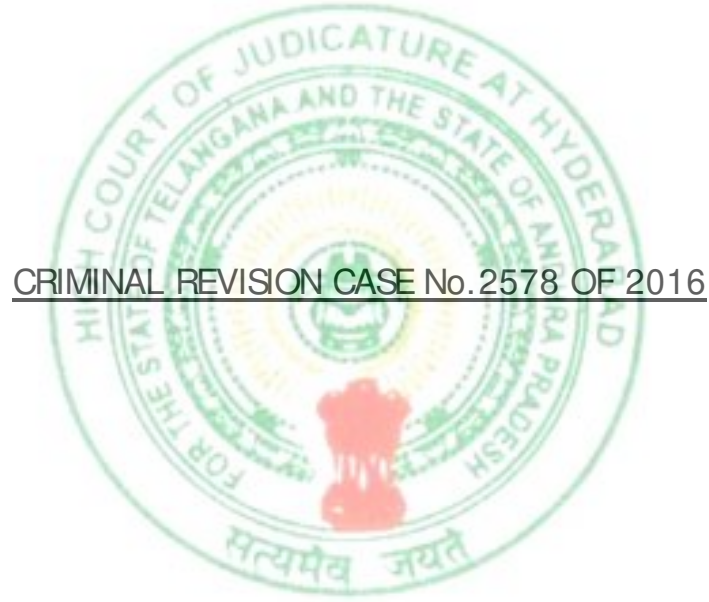
As a sequel, miscellaneous petitions if any pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20.02.2017
knl



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO



CRIMINAL REVISION CASE No.2578 OF 2016

Date:20.02.2017

kn1