

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.2062 OF 2017

ORDER:

This criminal revision case is filed under Sections 397 & 401 Cr.P.C, questioning the propriety and legality of the order passed by the II Additional Chief Metropolitan Magistrate, Visakhapatnam in CrI.M.P.No.692 of 2016 in C.C.No.594 of 2016 dated 24.03.2017, wherein, the Trial Court declined to release the passport of the petitioner.

It is the contention of the learned counsel for the petitioner that the petitioner entered into a contract with his employer at Vietnam which would expire in 2018 and on account of retaining the passport by the Court, he is unable to attend his work at Vietnam and facing difficulty to eke-out his livelihood and requested the Court to release the passport. On opposition by the learned Public Prosecutor, the Trial Court dismissed CrI.M.P.No.692 of 2016 on the ground that NBW was issued and the police faced much difficulty in securing the presence of the petitioner for execution of the NBW and in such a situation, if the passport is returned, it would be difficult for the Court to proceed with the Trial of the case.

During hearing, learned counsel for the petitioner Sri G.L. Nageswar Rao reiterated the contentions raised in CrI.M.P.No.692 of 2016, whereas, the learned Public Prosecutor for the State of Andhra Pradesh opposed the same.

As seen from the allegations made in the petition, the petitioner is working at Vietnam on contractual obligation with his employer. The petitioner was found guilty for certain economic offences and his passport was retained by the Court. On account of detention of passport, the petitioner is unable to attend work at Vietnam during subsistence of contract of employment with his employer. No doubt, it is difficult for any person to travel to Vietnam or any other foreign country without passport and on account of such retention of passport by the Court, the petitioner will be deprived of his livelihood. In such a case, the Court can insist for substantial security for his appearance before the Court promptly on the dates of adjournment to protect the interests of both the petitioner and respondent. Therefore, taking into consideration, the facts and circumstances of the case to protect the interest of both the petitioner and respondent, the II Additional Chief Metropolitan Magistrate, Visakhapatnam is directed to release the passport of the petitioner on execution of bond for Rs.5,00,000/- (Rupees five lakhs only) with two sureties for like sum each to the satisfaction of the II Additional Chief Metropolitan Magistrate, Visakhapatnam, on filing an application by the petitioner under Section 317 Cr.P.C to condone the absence of the petitioner or a petition under Section 205 Cr.P.C to dispense with his presence, and proceed with the Trial in his absence.

In case, the petitioner fails to file applications either to condone the absence on the dates of adjournment or to dispense with his presence, the II Additional Chief Metropolitan Magistrate,

Visakhapatnam, is at liberty to forfeit the bond and take appropriate steps in accordance with law for securing the presence of the petitioner before the Court. Further, the petitioner is directed to obtain prior permission from the II Additional Chief Metropolitan Magistrate, Visakhapatnam to leave the Country.

With the above direction, the criminal revision case is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

Date:05.10.2017

SP

JUSTICE M. SATYANARAYANA MURTHY

