

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 29739 OF 2017

ORDER:

This Writ Petition has been filed seeking a direction to Respondents 2 and 3 to consider the representation of the petitioner dated 03.08.2017 and withdraw the LOC (Line of Control) issued against him.

The case of the petitioner is that himself along with his other family members were arrayed as accused in Crime No. 41 of 2016 registered for the offences punishable under Sections 498-A and 406 I.P.C. which was subsequently numbered as C.C. No. 27 of 2017 on the file of the XV Additional Chief Metropolitan Magistrate Court at Hyderabad. As LOC was pending against the petitioner, he was arrested at Airport and subsequently, he was released on bail. He also filed CrI.R.C.No. 1854 of 2017 before this Court for release of Passport No. Z2239976 dated 02.02.2013 and the same was allowed on 04.07.2017. Therefore, he seeks to cancel the LOC issued against him.

Heard learned counsel for the petitioner as well as learned Government Pleader for Home (Telangana).

As stated by the petitioner, which is not in dispute, he appeared before the criminal Court and obtained bail in Crime No. 41 of 2016 and thereafter, approached the High Court by filing CrI.R.C. No. 1854 of 2017 seeking release of his passport which was also allowed on 04.07.2017. All this goes to show that the petitioner is not avoiding the criminal proceedings which are pending against him. In ***Rajesh Sharma v. State of Uttar Pradesh*** (Criminal Appeal No. 1265 of 2017), the Supreme Court

had laid down certain guidelines by its order dated 27.07.2017. One of the guidelines is: in respect of persons ordinarily residing out of India, impounding of passports or issuance of Red Corner Notice should not be a routine.

In the facts of the present case, considering the fact that the petitioner has been appearing before the respective Courts in connection with the cases pending against him, the 2nd respondent shall take into consideration the law laid down by the Supreme Court in ***Rajesh Sharma's case*** and take necessary decision to withdraw the LOC, within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

05th September 2017

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CHALLA KODANDA RAM, J

