

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.03.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl.R.C.No.319 of 2018

Bilal Bin Abdullah

... Petitioner
vs

State rep by
The Inspector of Police,
Central Crime Branch,
Fake passport team, VII,
Chennai.

... Respondent

Prayer : Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure praying to set aside the order of the learned Metropolitan Magistrate for exclusive trial of CCB cases, Chennai dated 06.11.2017 in Crl.M.P.No.2719 of 2017 in Crime No.1938 of 2015 regarding return of the petitioner's passport bearing No.L2769621 and allow the same.

For appellant : Mr.C.V.Shyam sunder

For Respondent : Mr.R.Suriya prakash
Government Advocate

O R D E R

The prayer sought for in this revision is to set aside the order of the learned Metropolitan Magistrate for exclusive trial of CCB cases, Chennai dated 06.11.2017 in Crl.M.P.No.2719 of 2017 in Crime No.1938 of 2015 regarding return of the petitioner's passport bearing No.L2769621 and to allow the same.

2. The petitioner has challenged the order of dismissal of the application filed by the petitioner for return of passport. It is contended that the passport was seized by the respondent police in the year 2016, it was handed over to the passport authority only on 06.05.2017. The learned Judicial Magistrate has dismissed the petitioner's application only on the ground that the petitioner's passport was not produced before the Trial court and it is only under the custody of the respondent police. Now the respondent police has filed the counter and stated that the letter was sent on 06.09.2017 to passport authority to verify the genuineness of the passport and the said original passport was handed over to the concerned passport authority of Hyderabad and an acknowledgment has also been received. The above case was under investigation.

3. If the Court allow this revision at present, it is not known whether the passport is in the custody of the respondent police or in the custody of the Trial Court. But it is averred that the passport is now in the custody of the passport authority, as per the section 10 of the Passport Act. If the police or the Court handed over the passport to the Passport Authority concerned, it is submitted that the petitioner is ready to file appropriate application to get back the passport, as per Section 10 of the passport act.

4. Therefore, the petitioner is given liberty to approach the passport authority under the statute, for getting back his passport.

5. This Civil Revision petition is closed with the said liberty. No costs.

Sd/--

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

Speaking order/non-speaking order
vum

To

1. The Metropolitan Magistrate
for Exclusive Trial of CCB cases
and CBCID Metro Cases, Chennai.
2. -do-thro The Chief Metropolitan Magistrate, Chennai
3. The Inspector of Police,
Central Crime Branch,
Fake passport team, VII,
Chennai.
4. The Public Prosecutor,
High court, Madras.

KK(CO)
sm:16.4.2018

Cr1.R.C.No.319 of 2018