

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1228 OF 2018

ORDER:

This petition is filed by the petitioner-A4 under Section 482 Cr.P.C. to set aside the order, dated 20.06.2017 in CrI.M.P.No.1705 of 2017 in C.C.No.97 of 2017 on the file of the Judl. Magistrate of I Class, Mylavaram and consider the request of the petitioner to get fresh passport and travel abroad to attend Christava Congregation

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. As per the material placed on record, the petitioner-A4 was charge sheeted in the above C.C. for the offences punishable under Sections 324 and 506 r/w 34 IPC. The innocence or otherwise of the petitioner is required to be determined after full-fledged trial. Meanwhile the fundamental right of the petitioner to travel abroad to attend Christava Congregation cannot be denied for want of pendency of criminal proceedings.

4. Learned counsel for the petitioner relied on a decision reported in **DEEPAK DWARKASINGH CHHABRIA V UNION OF INDIA AND ANOTHER** ¹.

5. In the circumstances of the case, the Passport officer concerned is directed to issue a fresh passport in accordance with the procedure established. Since the petitioner-A4 is a pastor and he wanted to travel abroad, the petitioner-A4 is permitted to travel U.S.A. to attend

¹ AIR 1967 BOMBAY 181

Christava Congregation between 15.02.2018 and 14.03.2018.

6. With the above direction/permission, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 06-02-2018.

Hsd

