

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1515 OF 2018

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioner-accused seeking interim custody of his passport by setting aside the order dated 02.02.2018 passed in CrI.M.P. No.311 of 2018 in CrI.R.P. No.23 of 2018 on the file of the Metropolitan Sessions Judge, Hyderabad (for short, 'the Court of Session').

2. Heard the learned counsel for the petitioner-accused and the learned Additional Public Prosecutor appearing for the 1st respondent-State, apart from perusing the material available on record.

3. The submission made on behalf of the petitioner is that the petitioner requires his passport to travel to Canada and the petitioner is accused No.1 in the criminal case pending against him. The submission made on behalf of the petitioner is that he is the resident of Canada, he gave triple Talaq to his wife, who is the *de facto* complainant. The Talaq given by the petitioner is a valid Talaq. The petitioner wanted to go back to Canada for treatment. There is possibility of his losing job and his passport cannot be impounded.

4. The petitioner filed Criminal Revision Petition No.23 of 2018 before the Court of Session, Hyderabad, which is still pending, it relates to interim custody of passport. The Court of Session has given number of reasons in not considering the request of the petitioner in CrI.M.P. No.311 of 2018. Since CrI.R.P. No.23 of 2018 is pending before the Court of Session, it is appropriate to direct the petitioner to agitate all defences in the Criminal Revision Petition for release of the passport and it is not appropriate to pass any order at this juncture. However, the Court of

Session is directed to dispose of Crl.R.P. No.23 of 2018 within a period of 30 days from the date of receipt of the copy of this order.

5. With the above directions, this Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 07-03-2018

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