

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4011 of 2018

ORDER:

In this Criminal Petition is filed under Section 482 Cr.P.C, the petitioner/A.2 challenges the order dated 09.02.2018 in CrI.M.P.No.357 of 2018 in C.C.No.200 of 2014 passed by the III Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, to the extent of Trial Court dismissing his prayer to grant permission for renewal of the Passport.

2) Heard learned counsel for petitioner and learned Addl. Public Prosecutor for the State (Telangana).

3) The submission of learned counsel for petitioner is that the Trial Court while granting permission to the petitioner to leave India from 26.04.2018 to 01.06.2018, dismissed the other prayer seeking permission for renewal of his Passport on an erroneous ground that the two prayers are not maintainable in one petition. His submission is that his Passport period was expired and therefore, without renewal of the Passport, he cannot travel abroad and in that view, seeking permission of the Court for renewal of the Passport is a consequential relief for the main relief of permission to leave India from 26.04.2018 to 01.06.2018. Having permitted him to leave the India between the aforesaid dates, the Trial Court ought to have allowed the consequential relief also. He would submit that in the Criminal Rules of Practice there is no embargo for seeking two reliefs in one petition.

However, at any rate, the other relief i.e, seeking permission for renewal of Passport being a consequential relief to the first prayer, it cannot be said to be an independent prayer and hence the Trial Court ought to have allowed the same.

4) I find force in the above submission. Needless to emphasize that without renewal of Passport, the petitioner cannot travel abroad even if the Court permits him to leave India from 26.04.2018 to 01.06.2018. Therefore, the Trial Court ought to have allowed the consequential prayer seeking permission for renewal of Passport.

5) In the result, this Criminal Petition is allowed setting aside the order in CrI.M.P.No.357 of 2018 in C.C.No.200 of 2014 on the file of III Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar, to the extent impugned and the Trial Court is directed to accord permission to the petitioner to renew his Passport through the concerned Passport Authorities.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 18.04.2018

Note: Issue CC today.

(b/o)
scs