

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1554 of 2018

ORDER:

Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent State.

The present revision case is filed questioning the orders passed in CrI.M.P.No.2307 of 2018 in Crime No.3 of 2017 dated 15.06.2018 on the file of the Court of the VI Additional Chief Metropolitan Magistrate, Hyderabad, dismissing the petition filed to return the passport for a period of two months enabling the petitioner to go to U.S. for business purpose.

The facts of the case are that the petitioner filed a petition vide CrI.M.P.No.2307 of 2018 under Section 451 Cr.P.C., to release the passport bearing No.G8722976 (old) and S1062238 (renewed passport) to travel to United States of America for two months in connection with business transactions. The Assistant Public Prosecutor filed a counter contending *inter alia* that the petition is devoid of merits and is liable to be dismissed, since there is every probability of the petitioner escaping from India and he may not turn up and sought dismissal of the petition. The said application has been dismissed by the Court below on 15.06.2018. Aggrieved by the same, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the observation of the Court below that no single document is filed by the petitioner to prove his business

commitment may not be correct for the reason that the petitioner has filed letter dated 16.06.2018 addressed by Devendra Agrawal, President, Lara Enterprises Incorporation to the effect that his physical presence is very much required for USA for initial period in order to perform the formalities in the State of New York. In fact, on an earlier occasion when the petitioner wanted to go abroad, he moved an application in CrI.M.P.No.584 of 2017 in Crime No.3 of 2017 before the Court below. The said petition was dismissed by orders dated 21.04.2017. Aggrieved by the same, the petitioner filed CrI.R.P.No.206 of 2017 before the Metropolitan Sessions Judge, Hyderabad. The said petition was allowed by orders dated 07.08.2017 setting aside the orders passed in Cr.M.P.No.584 of 2017 and the Court below was directed to return the passport for a period of two months on executing a personal bond for Rs.1,00,000/- with one surety for the like sum. However, the petitioner shall deposit his passport after expiry of two months from the date of receipt of the passport. Subsequently, the petitioner could not avail the opportunity of travel in 2017 for the reason that his wife was pregnant and other financial responsibilities in the family have not allowed him to go abroad. When the passport of the petitioner was returned for renewal, vide CrI.M.P.1815 of 2018, he took the passport and re-deposited the same into the Court. Therefore, relying on these instances, the counsel for the petitioner contended that the order passed by the

Court below dismissing the petition for return of passport, is not valid in the eye of law.

Learned Public Prosecutor appearing for the 1st respondent State has not opposed the case of the petitioner, but, requested the Court to impose some conditions so that the petitioner, on return, can re-deposit the passport into the Court without any fail.

Having heard to the arguments of both the counsel and after perusal of the material on record, the undisputed facts are that the petitioner for the purpose of his business tour, earlier filed CrI.M.P.No.584 of 2017 in Crime No.3 of 2017 for return of the passport on the file of the VI Additional Chief Metropolitan Magistrate, Hyderabad, and the same was dismissed on 21.04.2017. On revision vide CrI.R.P.No.206 of 2017, the passport was directed to be returned to the petitioner for a period of two months on executing a personal bond for Rs.1,00,000/- with one surety to the like sum by orders dated 07.08.2017. However, as his wife was pregnant and as he could not receive the passport, he has not availed the opportunity to go to abroad. Now the President of Lara Enterprises Incorporation has addressed a letter dated 16.06.2018 seeking the physical presence of the petitioner in the initial stage for completion of formalities in the State of New York. From the orders of the Court below in CrI.R.P.No.206 of 2017 dated 07.08.2017, it is revealed that the petitioner was only a mediator between two parties for

their money transactions and part of the amount was seized by the CID and no connection between A1 and A2 was established so far by the investigating agency and the passport was not seized by the police, but was surrendered by the petitioner as per the directions of the Court. Even on an earlier occasion, the petitioner has taken the passport for renewal and re-deposited the same into the Court.

In the backdrop of these facts, this Court is of the opinion that the passport of the petitioner can be released facilitating him to go abroad for his business transactions, subject to imposition of conditions.

Accordingly, the criminal revision case is allowed, setting aside the orders passed in CrI.M.P.No.2307 of 2018 in Crime No.3 of 2017 dated 15.06.2018. However, the VI Additional Chief Metropolitan Magistrate, Hyderabad, is directed to return the passport bearing No.G8722976 (old) and S1062238 (renewed passport) to the petitioner for a period of two months, subject to his executing a personal bond for a sum of Rs.3,00,000/- (Rupees Three lakhs only) with two sureties for a like sum to the satisfaction of the VI Additional Chief Metropolitan Magistrate, Hyderabad. The petitioner is further directed that before receiving the passport, he has to give the particulars of his travel such as the places where he is going to visit with contact numbers in the Court below. It is needless to mention that the petitioner has to re-deposit his passport before the VI Additional Chief

Metropolitan Magistrate, Hyderabad, on or before 10.09.2018, failing which, the learned Magistrate is directed to take appropriate steps as per law.

Miscellaneous petitions, if any, shall stand closed.

P. KESHA RAO, J

Date: 27.06.2018.
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