

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6823 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the order dated 21-06-2017 in Criminal M.P.No. 958 of 2017 in S.C.No. 543 of 2006 on the file of the Court of learned I Additional Metropolitan Sessions Judge, Hyderabad (for short, 'the Court below'), whereby it dismissed the above miscellaneous petition filed under Section 439 (1) (b) of Cr.P.C. by the petitioner for return of his passport bearing No. Z – 1288887.

2. As seen from the material on record, the petitioner, who was accused No. 2 in the above sessions case, deposited his passport at the time of releasing on bail and that the petitioner was found not guilty and accordingly acquitted by the Court below *vide* calendar and judgment dated 05-02-2013 in S.C.No. 543 of 2006.

3. When the petitioner is found not guilty and acquitted, at best, he is entitled to file a petition under Section 457 of Cr.P.C. for return of his passport and not a petition under Section 439 (1) (b) of Cr.P.C. Therefore, dismissal of the petition by the Court below is in accordance with law. However, the petitioner is entitled to file a petition under Section 457 of Cr.P.C. and on filing such petition, the Court below is directed to dispose of the same within a week thereafter in accordance with law.

4. With the above direction, the criminal petition is disposed of. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 03-07-2018.

JSK

M.SATYANARAYANA MURTHY, J.