

HON'BLE SRI JUSTICE P. KESHAHA RAO

CRIMINAL REVISION CASE No.1880 of 2018

ORDER:

Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent-State.

The present revision case is filed questioning the order dated 10.07.2018 passed in Cr.M.P.No.1817 of 2018 in C.C.No. 315 of 2013 on the file of the Court of the XIII Additional Chief Metropolitan Magistrate at Hyderabad, dismissing the petition filed under Section 451 Cr.P.C. seeking return of the passport to go to abroad for a period of nine months.

The facts of the case are that the petitioner who is A-2 has been charged for the offence under Section 498-A IPC on the file of the XIII Additional Chief Metropolitan Magistrate at Hyderabad. During the pendency of the said calendar case, the petitioner filed Cr.M.P.No.1817 of 2018 for return of the passport No. P7052693 enabling her to go to abroad for a period of nine months. In the said petition, she has categorically stated that on an earlier occasion, the passport was returned to her to go to U.S.A. After coming from USA, she has surrendered her passport as directed by the V Addl. Metropolitan Sessions Judge, Nampally, Hyderabad. Further, now that the petitioner is totally sick and requires knee replacement, and she wanted to go to USA for a period of nine months. The said petition has been dismissed by orders dated 10.07.2018 by holding that on an earlier occasion, since the V Addl. Metropolitan Sessions Judge, Nampally, Hyderabad, passed orders releasing the passport, the Court below does not have jurisdiction to

entertain the application and pass orders. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner, submitted that when the passport was returned to the petitioner at the earliest point of time, the investigation was not completed and the charge sheet was also not filed. In those circumstances, since bail was granted by the Sessions Court, the relevant application was moved before the very same Court. Now, that the investigation is completed, charge sheet is filed and the cognizance of the offence has already been taken by the Court below and numbered the case as C.C.No.315 of 2013, the learned Magistrate has got jurisdiction to entertain the present application and pass appropriate orders.

Per contra, the learned Public Prosecutor appearing for the first respondent-State has fairly conceded that the reason, on which the petition is dismissed, is untenable on the ground that the charge sheet is already filed and the Court below has already taken the cognizance of the offence. He also submitted that while returning the passport, some conditions may be imposed to safeguard the interests of the prosecution during the course of trial.

Having heard both the learned counsel and from the perusal of the material on record, on an earlier occasion the passport was returned to the petitioner enabling her to go to abroad. After return, she has surrendered her passport as directed by the learned V Additional Metropolitan Sessions Judge, Nampally, Hyderabad. Therefore, as the petitioner requires the return of the passport enabling her to have treatment in USA, this Court deems it

appropriate to dispose of the revision case directing the XIII Additional Chief Metropolitan Magistrate at Hyderabad to return the passport to the petitioner enabling her to go to U.S.A. subject to the following conditions:

- i) The petitioner is directed to furnish the travel particulars such as places of visit and the persons' names with the contact numbers to the Court below;
- ii) The petitioner is directed to surrender the passport within six months from the date of handing over of the passport to her;
- iii) The XIII Additional Chief Metropolitan Magistrate at Hyderabad is directed to return the passport to the petitioner on complying with the above said 1st condition.

With the above said observations, the criminal revision case is disposed of.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date: 25.07.2018.
CCM

HONOURABLE SRI JUSTICE P. KESHA VA RAO



CRIMINAL REVISION CASE No.1880 of 2018

Date:25.07.2018

ccm