

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO.1946 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public prosecutor appearing for the respondent State.

2. The present Criminal Revision Case is filed challenging the orders passed in CrI.M.P.No.4102 of 2018 in C.C.No.1246 of 2014 dated 12.7.2018 on the file of the Court of I.Additional Chief Metropolitan Magistrate, Visakhapatnam, dismissing the petition filed under Section 6 (2)(f) of Passport Act read with 451 of Cr.P.C. seeking return of the passport enabling the petitioner to go to Italy to attend the wedding of her son on 11.8.2018.

3. The facts in brief are that the petitioner along with her son who is Accused No.1, have been charged for the offence under Sections 498-A, 420 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act. During the pendency of the investigation, the petitioner obtained anticipatory bail from Mahila Court vide CrI.M.P.No.1722 of 2014 dated 23.5.2014 by executing a personal bond of Rs.20,000/- with two sureties for the like sum and by surrendering her passport before the Court below on 2.6.2014. After investigation, a charge sheet has been filed. The Magistrate, after taking cognizance of the offence against the petitioner and Accused No.1, registered the case as C.C.No.1246 of 2014. During the pendency of the said CC, the petitioner filed CrI.M.P.No.4102 of

2018 seeking return of the passport enabling her to go to Italy to attend the wedding of her son. The Court below, after hearing, was pleased to dismiss the petition by order dated 12.7.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner contended that the petitioner is seeking return of the passport to enable her to go to Italy to attend the wedding of her son on 11.8.2018. She is working as a Cash-cum-Accountant Clerk in Bank of India. Therefore, there is no possibility for the petitioner staying back in Italy for the purpose of avoiding the proceedings pending against her in C.C.No.1246 of 2014. To show her bonafides that she will come back, she will abide by any of the conditions to be imposed by this Court.

5. Per contra, learned Public Prosecutor appearing for the respondent State, placed written instructions before this Court to the effect that Accused No.1 is absconding since the date of registration of the crime and as far as the petitioner herein is concerned, she obtained an anticipatory bail during the pendency of the crime. He also brought to the notice of this Court that if the petitioner is permitted to go abroad, there is every possibility that she may not come back and thereby, the proceedings initiated against her will be stalled.

6. Having heard both the counsel and on perusal of the material on record, it is revealed that the petitioner has been arrayed as Accused No.2 for the offence under Sections 498-A, 420 read with

34 IPC and Sections 3 and 4 of the Dowry Prohibition Act. A perusal of the charge sheet also would indicate that specific allegations have been made against the petitioner herein.

7. Be that as it may, when the petitioner wanted to attend the marriage of her son in Italy, it cannot be said that there is no possibility of coming back, that too, when the petitioner is working as a Cash-cum-Accountant Clerk in Bank of India. Apart from the same, she also possesses immovable assets.

8. In these circumstances, this Court deems it appropriate to direct the I.Additional Chief Metropolitan Magistrate, Visakhapatnam, to return the passport to the petitioner subject to certain conditions.

9. The I.Additional Chief Metropolitan Magistrate, Visakhapatnam, is directed to return the passport to the petitioner on the following terms:

a) The petitioner shall execute a bank guarantee for a sum of Rs.5,00,000/- (Rupees five lakhs only) in favour of I.Additional Chief Metropolitan Magistrate, Visakhapatnam.

b) The petitioner shall furnish the travel particulars with contact numbers in the Court below.

c) The petitioner shall furnish security of immovable property worth Rs.5,00,000/- .

d) The petitioner shall return and re-deposit the passport on or before 30.9.2018.

10. With the above observations, the Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

P. KESHAHA RAO,J

Date: 1.8.2018

NOTE:

Issue CC today

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