

HON' BLE SRI JUSTICE G. SHYAM PRASAD

CrI.R.C.No. 2956 of 2018

JUDGMENT:-

This Criminal Revision Case arises out of the Order dated 11.07.2018 in CrI.M.P.No. 1053 of 2018 in C.C. No. 418 of 2015 on the file of the Court of XV Additional Chief Metropolitan Magistrate-cum-Special Court for the Trial of Video Piracy Cases, Hyderabad.

The learned Magistrate, on merits, dismissed the petition filed by the petitioner – A1 for return of his Passport bearing No.H4561929 which was seized by the police when he was arrested at Airport on 19.01.2018. It is further observed that the Calendar Case is pertaining to the year 2015 and it was coming up for examination of the accused under Section 239 Cr.P.C. and if the passport is returned to the petitioner, he would go to Canada and there is every likelihood of the proceedings being stalled. The Docket Order also reveals that after obtaining bail, the petitioner absconded, as such, N.B.W was issued against him for execution of arrest, and for obvious reasons, the trial Court felt that return of passport as interim custody to the petitioner at this stage would not be proper.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of

the respondent-State and perused the material placed on record.

The learned counsel for the petitioner –A1 submits that charge under Section 239 Cr.P.C. has been framed against the petitioner and the trial has commenced. The learned counsel further submits that the petitioner unconditionally undertakes to furnish bank guarantee for Rs.2.00 lakhs to secure his presence before the trial Court not only at the time of the examination under Section 313 Cr.P.C. but also during trial or at any other stage of the proceedings as may be required by the trial Court.

The learned Public Prosecutor submits that the presence of the petitioner –A1 shall be required for examination under Section 313 Cr.P.C. and in case his passport is returned to him towards interim custody without there being any undertaking, there is every likelihood of his avoiding proceedings in this Calendar Case. The learned Public Prosecutor has fairly agreed for the proposal of giving the undertaking by the petitioner, for furnishing bank guarantee of Rs.2.00 lakhs, for his appearance before the trial Court during trial, or as required by the trial Court.

Having regard to the facts and circumstances of the case, the order dated 11.07.2018 in CrI.M.P.No. 1053 of 2018 in C.C.No. 418 of 2015 passed by XV Additional Chief

Metropolitan Magistrate-cum-Special Court for the Trial of Video Piracy Cases, Hyderabad is set aside and the trial Court is directed to give interim custody of passport to the petitioner subject to the condition of the petitioner furnishing bank guarantee for Rs.2.00 lakhs and the undertaking given to the effect that he would be present before the trial Court at the time of examination under Section 313 Cr.P.C. and during trial or at any other stage of the proceedings as may be required by the trial Court.

Accordingly, the Criminal Revision Case is disposed of.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

01.11.2018

bcj

G.SHYAM PRASAD, J

