

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3420 OF 2018

ORDER:

This revision is arising out of order, dated 06.12.2018 passed in CrI.M.P.No.5702 of 2018 in C.C.No.635 of 2014 by the VI Addl. Chief Metropolitan Magistrate, Hyderabad, whereunder and whereby the petition filed for return of passport, was dismissed.

2. Heard learned counsel for the petitioner-A1, learned Public Prosecutor representing the State and perused the record.

3. The petitioner-A1 has filed a petition for return of passport.

4. The learned Assistant Public Prosecutor filed counter opposing for return of the passport as the petitioner may abscond by the time of filing of charge sheet. Therefore, the C.C. was returned from the main case and it was numbered as C.C.No.376 of 2014. The crime is pertaining to the year 2006 of Saifabad Police Station. Later the crime was transferred to CID of Police and they have shown the petitioner as absconding and N.B.W was issued against him at the time of taking cognizance of the offence. Subsequently, due to pendency of N.B.Ws for a long time, proceedings under Section 82 and 83 Cr.P.C. were initiated against the accused on 09.12.2017. The police have not filed any report before the Court in respect of the said proceedings. Subsequently, the petitioner has surrendered before the Court as per the orders in CrI.M.P.No.2565 of 2018, dated 28.08.2018. The petitioner was granted anticipatory bail with a condition that he shall surrender his passport before the trial Court and he shall attend the Court

on every first Monday between 10.00 AM to 2.00 PM for a period of six months. Accordingly, the petitioner has surrendered before the trial Court on 28.09.2018. Thereafter, the petitioner has filed the above petition for return of passport along with memo of copies of immigration particulars furnished to the petitioner.

5. The trial Court has granted interim custody of the passport vide orders in CrI.M.P.No.5020 of 2018 as the petitioner went on business tour at that time. The trial Court observed in the order that the petitioner has furnished particulars of the business tour in the previous application and he has failed to furnish the same in the present application. Therefore, the present application was dismissed. Aggrieved by the order of the learned Magistrate, this revision is preferred.

6. Learned Public Prosecutor submits that the petitioner has not submitted particulars of his business trips as to the date of leaving India and the date of his return. Therefore, the trial Court has rejected the application for giving interim custody of the passport.

7. Learned counsel for the petitioner submits that the petitioner has submitted a letter addressed by Spring Moon Global Limited to the petitioner. He further submits that in view of the said letter of appointment, he has to go to Hongkong and so, he requests interim custody of the passport. He further submits that he would abide by any condition imposed by the Court to make his appearance before the Court during trial.

8. In view of the facts and circumstances of the case, it is obvious that the petitioner was already given interim

custody of the passport, vide order in CrI.M.P.No.5020 of 2018. At that time, the petitioner has submitted the business tour particulars in his petition. It appears that the petitioner has not furnished business tour particulars this time and therefore, the petition was dismissed. Therefore, the petitioner is given liberty to file another application before the trial Court furnishing all the business tour particulars within one week from the date of this order and on filing such an application, the trial Court shall consider the same and pass appropriate orders for interim custody of the passport.

9. With the above observation, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 14-12-2018

Hsd

