

**HON'BLE JUSTICE G. SRI DEVI**  
**CRIMINAL REVISION CASE No.1229 OF 2019**

**ORDER :**

This Criminal Revision Case is filed by the petitioner-A1 under Sections 397 and 401 Cr.P.C., challenging the order, dated 28.10.2019 in CrI.M.P.No.1415 of 2019 in C.C.No.376 of 2014 on the file of the VI Addl. Chief Metropolitan Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

3. Learned counsel for the petitioner submits that the order, dated 28.10.2019 passed in CrI.M.P.No.1415 of 2019 in C.C.No.376 of 2014 by the learned Magistrate is improper and incorrect. He further submits that the learned Magistrate while passing the order, failed to appreciate the fact that the revision petitioner is a business man and has been traveling in and out of India for over 20 times in a year and accordingly, he will need to travel further. He further submits that the revision petitioner on earlier occasion deposited a sum of Rs.2,00,000/- before the Court below and obtained interim custody of the passport and in addition, the revision petitioner is regularly making his presence in the case and has been complying with the orders of the Court. However, in CrI.M.P.No.1415 of 2019, the revision petitioner sought

extension of time till 31.10.2019 to surrender the passport. The said CrI.M.P.No.1415 of 2019 was ordered on 28.10.2019 with a condition to deposit the passport on or before 02.11.2019 and further directed the revision petitioner to execute a personal bond for Rs.2,00,000/- with one surety for like sum within 3 days of the said order. It was further ordered that in case of failure to deposit the passport within the time stipulated, the surety bond amount shall be forfeited to the State and no further extension of time will be granted. It was further ordered that in case of non deposit of surety amount or failure to surrender the passport as per the condition, the Court shall proceed further as per law.

Learned counsel for the revision petitioner further submits that while allowing the prayer for release of the passport on earlier occasion in CrI.M.P.No.425 of 2019 while giving interim custody of the passport for a period of six months from 03.04.2019, the revision petitioner was directed to furnish the personal bond for Rs.2,00,000/-with one surety. He further submits that on the directions given by the Court concerned, the revision petitioner has already furnished personal bond for Rs.2,00,000/- with one surety on 04.04.2019 by way of original F.D.R. and the same is already lying in the record of the trial Court in C.C.No.376 of 2014. He further submits that since the surety amount is already lying by way of F.D.R. in the record, the order

passed in CrI.M.P.No.1415 of 2019 in C.C.No.376 of 2014 on 28.10.2019, directing the revision petitioner to deposit further sum of Rs.2,00,000/- with one surety is illegal and hence, the order passed by the trial Court is liable to be set aside and the revision petitioner may be directed to surrender passport.

Learned counsel for the revision petitioner further submits that in view of the orders passed by the trial Court on earlier occasion in CrI.M.P.No.425 of 2019 and also in view of the orders passed by the trial Court dated 28.10.2019, in CrI.M.P.No.1415 of 2019 with same condition to furnish personal bond for Rs.2,00,000/- with one surety, the revision petitioner may be directed to continue the surety bond, which he has already filed by virtue of the orders passed on 03.04.2019.

4. In view of the submissions made by the learned counsel for the revision petitioner and as confirmed by the learned Additional Public Prosecutor that the surety amount, which was furnished by the petitioner is already lying in the record by way of F.D.R. in C.C.No.376 of 2014, the orders passed by the learned VI Addl. Chief Metropolitan Magistrate, Hyderabad, dated 28.10.2019 in CrI.M.P.No.1415 of 2019 in C.C.No.376 of 2014 to the extent of “executing personal bond for Rs.2,00,000/- with one surety for like sum is set aside.” The revision

petitioner shall surrender the passport as directed by the trial Court within seven (7) days from today and he shall also execute personal bond for a sum of Rs.2,00,000/-while surrendering the passport. However, since the surety bond by way of F.D.R. is already on record for a sum of Rs.2,00,000/-, the same shall be treated as surety amount for surrendering the passport by the revision petitioner.

5. With the above direction, the Criminal Revision Case is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**DATED: 13.11.2019.**  
Hsd

**JUSTICE G. SRI DEVI**



