

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY ,THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 3580 OF 2024

Between:

Sri. Mohammed Faheem Ahmed Qureshi (A-7), S/o Late Mohammed Farooq Qureshi, Aged about 47 years, Occ.Service At Abroad, R/o H.No. 18-8-671/1, Eidi Bazar, Hyderabad.

...Petitioner/Accused.

AND

The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad, through the Station House Officer, W.P.S. South Zone, Hyderabad.

...Respondent/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set a side the order dated 22.03.2024 in CrI MP No. 353 of 2024 in CC No. 14316 of 2019 on the file of the Court of the XV Additional Chief Metropolitan Magistrate at Hyderabad and direct the XV Additional Chief Metropolitan Magistrate, Hyderabad to release the pass post of the petitioner/Accused No.7 bearing No.T3915965 for his interim custody and thereby and permission to travel SAUDI ARABIA to join his employment.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd Riyaz Pasha, Advocate for the Petitioner and Sri S. Ganesh, Assistant Public Prosecutor on behalf of the Respondent.

The Court made the following ORDER:

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3580 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused No.7 against the order, dated 22.03.2024 passed in CrI.M.P.No.353 of 2024 in C.C.No.14316 of 2019 on the file of learned XV Additional Chief Metropolitan Magistrate at Hyderabad. By the impugned order, the petition filed by the petitioner under Section 451 read with 457 of Cr.P.C., seeking to release his passport bearing No.T3915965 to travel abroad for job purpose, was dismissed.

2. Heard Sri Muhammed Riyaz Pasha, learned counsel for the petitioner and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State.

3. Learned counsel for the petitioner submitted that the petitioner is a private employee at Saudi Arabia and his family is residing at Saudi Arabia. He further submitted that in order to meet his livelihood, the petitioner has to join back his job at Saudi Arabia immediately otherwise he will lose his job. As such, prayed to allow the Criminal Petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the submissions of learned counsel for the petitioner stating that the petitioner should appear before the trial Court as and when his presence is required and prayed to dismiss the Criminal Petition.

5. Considering the submissions made by both the counsel and circumstances of the case, since the case is split up and there is no possibility to conclude the trial within one (01) month, this Court is inclined to direct the trial Court to return back the petitioner's passport bearing No.T3915965 by imposing conditions thereon and the petitioner shall return to India and appear before the trial Court as and when his presence is specifically required.

6. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall also stand closed.

SD/- V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, W.P.S South Zone, Hyderabad.
3. Two CCs to Public Prosecutor, High Court of Telangana, [OUT]
4. One CC to Sri Mohd Riyaz Pasha, Advocate [OPUC]
5. Two CD Copies.

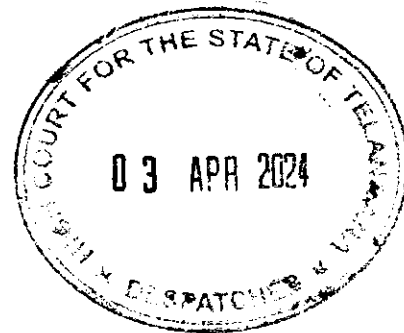
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HIGH COURT

DATED:01/04/2024

ORDER

CRLP.No.3580 of 2024



ALLOWING THE CRIMINAL PETITION

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