IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRD DAY OF DECEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1157 OF 2024

Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023 against the order dated 04/10/2024 made in PRC No.36 of 2022 in Crl.M.P.No.3419 of 2024 on the file of the Court of the XI Additional Chief Metropolitan Magistrate at Secunderabad.

Between:

Kothapa Puneeth, S/o late Bipin Gopala Krishna, Aged 35 years Occ: Managing Director and CEO of NSPIRA Management Services Private Limited, R/o 2600, Bell Mount, Lodha Bellezza, Phase-4, Kukatpally, Hyderabad.

...Petitioner

AND

The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad through P.S. Bowenpally, Secunderabad.

...Respondent

IA NO: 1 OF 2024

Petition under Section 528 of BNSS Act, 2023 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order dated. 04/10/2024 passed in PRC No.36 of 2022 in Crl.M.P.No.3419 of 2024 on the file of XI Additional Chief Metropolitan Magistrate at Secunderabad to the extent of directing the petitioner to file an affidavit undertaking that he would deposit his passport immediately on the event of its re-issuance pending disposal of the Crl.R.C. in the interests of justice.

Counsel for the Petitioner : Sri T V Ramana Rao

Counsel for the Respondent : Sri E Ganesh, Assistant Public Prosecutor

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.1157 OF 2024

ORDER:

The present criminal revision case is filed by the petitioner aggrieved by the Order dated 04.10.2024 in Crl.M.P.No.3419 of 2024 in P.R.C.No.36 of 2022 passed by the learned XI Additional Chief Judicial Magistrate at Secunderabad.

2. Heard learned counsel for the revision petitioner, learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The main contention of the petitioner is that petitioner is holding Indian Passport bearing No.Z4010867 and the leaf of the booklet of the passport got exhausted and he has approached the passport authority for issuance of new passport, but the same was declined, for the reason the petitioner is involved in P.R.C.No.36 of 2022. Thereafter, the petitioner has filed Crl.M.P.No.3419 of 2024 for re-issuance of fresh passport to him. Learned trial Court vide impugned order dated 04.10.2024, granted 'no objection' for issuance

of passport and directed the Regional Passport Office, Kummarguda, Secunderabad to re-issue the passport to the petitioner by following the Passport Act, 1967, however, on a condition that the petitioner shall execute personal bond of Rs.5,00,000 and also file an affidavit undertaking that he would deposit his passport immediately on the event of its re-issuance.

4. Learned counsel for the revision petitioner would contend that the petitioner has been arrayed as accused No.35 in PRC.No.36 of 2022 and upon giving his explanation as sought under Section 41-A of Cr.P.C, he was not arrested and the passport is remained with the petitioner herein. Further, it is not the case of the prosecution that passport was either seized or retained or deposited before the learned trial Court. Though the learned trial Court has granted no objection for re-issuance of passport, it has imposed condition to execute a personal bond of Rs.5,00,000/-, which is very huge amount, hence he seeks to set aside the impugned order.

5. Learned Assistant Public Prosecutor relying upon the order passed by this Court in W.P.No.28614 of 2024, would submit that the passport was not deposited before the learned trial Court. So far as, re-issuance of passport booklet is concerned, the learned trial Court has rightly and correctly imposed the condition during grant of NOC to the petitioner. Further, submits that passport is required to be deposited by the petitioner after its re-issuance before the learned trial Court and hence imposed condition of furnishing personal bond of Rs.5,00,000/- along with undertaking to its satisfaction. Hence, seeks to dismiss this criminal revision case.

6. Having heard both the learned counsel, this Court is of the opinion that the learned trial Court ought not to have imposed the condition of furnishing personal bond of Rs.5,00,000/- while granting NOC for re-issuance of his passport. Accordingly, the condition of furnishing personal bond of Rs.5,00,000/- imposed by the learned trial Court in the impugned order is set aside insofar as the condition of

furnishing of personal bond of Rs.5,00,000/-. However, upon re-issuance of passport, revision petitioner is directed to deposit and execute on undertaking before the learned trial Court that he shall not leave the country without any permission from the Court and shall comply the other conditions as imposed by the learned trial Court.

7. With the above said direction, this Criminal Revision Case is partly allowed.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- M. MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XI Additional Chief Metropolitan Magistrate at Secunderabad.
2. The S.H.O., Police Station Bowenpally, Secunderabad.
3. One CC to Sri T V Ramana Rao, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

ADK/gh

HIGH COURT

DATED:03/12/2024



ORDER

CRLRC.No.1157 of 2024

PARTLY ALLOWING THE CRLRC

(8) Copies
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