

ORDER

1. This is an application filed by accused for return of his passport bearing No.N-3779861 which is in the custody of Sahar Police Station seized in Cr. No.57/2021.
2. Charge-Sheet is filed after completion of investigation. I have perused the say of learned APP filed behind application.
3. Accused has filed her affidavit at (**Exh.3**) in support of her application. She has also filed copy of seized passport and Aadhar Card.
4. Accused is ready and willing to abide by all the terms and conditions of this Court. Admittedly, seized passport bearing No. N-3779861 is not part of evidence in this case. There are no allegations about passport being fake. Furthermore, here I am fortified by the decision in the case of **Suresh Nanda Vs. C. B. I., vide [Appeal (Cri) No. 179/2008, dated 24/01/2008]** wherein the Hon'ble Supreme Court has held that, the Court cannot impound the Passport unless specific steps have been taken by concern department under Section-10 of the Passport Act, 1967. Considering, the settled legal position and the guidelines in the cited case, I do not find any reason to retain the passport of the accused. With this I pass following order :

ORDER

- 1) Application is allowed.
- 2) The Sr. PI of Sahar Police Station is directed to handover the Passport bearing No.N-3779861 to the accused/applicant in purview of judicial ratio laid down by Hon'ble Supreme Court in the cited case.
- 3) The Sr. PI of Sahar Police Station, is at liberty to apply for impounding of Passport of accused as per Section 10(3) of Passports Act 1967, before the appropriate authority.
- 4) Accused shall not leave India without permission of this Court.

Sd/-

Date : 09/08/2021

(S.A.R. Sayed)
Metropolitan Magistrate,
63rd Court, Andheri, Mumbai.