

ORDER

1. This is an application filed by accused for return of his passport bearing No.P-8920586 which is in the custody of Sahar Police Station seized in SPL. LAC No.33/2021.

2. I have perused the say of learned APP and say of I.O. filed at (**Exh.4**). The reason for rejection of this application is only mentioned as apprehension about absconding of the accused.

3. Accused has filed his affidavit at (**Exh.3**) in support of his application.

4. Accused is ready and willing to abide by all the terms and conditions of this Court. Admittedly, seized passport is not part of evidence in this case. It is not the subject matter of the case. Furthermore, learned advocate for applicant placed his reliance on the decision in the case of **Suresh Nanda Vs. C. B. I., vide [Appeal (Cri) No. 179/2008, dated 24/01/2008]** and **Jignesh Prakash Shah V/s. Central Bureau of Investigation and others [Criminal Revision Application No.59 of 2018]** wherein settled legal positions are discussed. Considering, the guidelines in the cited cases, 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.P-8920586 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.

Date : 03/01/2022

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