

IN THE COURT OF THE METROPOLITAN SESSIONS JUDGE-CUM-
SPL. JUDGE FOR TRIAL OF APPDFE ACT CASES: AT VIJAYAWADA

PRESENT:- V.S. ANJANEYA MURTHY,
SPL. JUDGE FOR TRIAL OF APPDFE ACT CASES
- CUM - METROPOLITAN SESSIONS JUDGE, VIJAYAWADA.

TUESDAY, THIS THE 24TH DAY OF JANUARY, 2023

CRL.M.P. NO.1645/2022

IN

CRL.M.P.NO.1408 OF 13

IN

C.C.NO.01 OF 2018

Between:

Battula Vijaya Raju, S/o. Rambabu, Hindu, 45 years,
Dr.No.2-186, Near CSI Church, Old Chinthalapudi,
Chinthalapudi Mandal, W.G. District-534460.

....Petitioner/A19

A N D

The State: SHO, Rep. by ASP Regional Officer,
CID, Vijayawada.

.... Respondent/Complainant.

This petition is coming on 12.01.2023 before me for hearing in the presence of Sri R. Purushotham, Advocate for petitioner/A19 and the learned Special Public Prosecutor for respondent/complainant and upon hearing and considering the material on record and the application having stood over till this day for consideration, this Court delivered the following:

ORDER

01. This petition is filed by the petitioner/A19 requesting to direct the passport authority to issue regular passport in his favour.

02. The petitioner in his affidavit stated that he is the accused No.19 in the above case, that he was falsely implicated in the case by respondent/complainant, that when the petitioner was arrested at the crime stage he was released on bail by this Court and at that time he was directed to surrender his passport subsequent to his release. The petitioner made an application before the passport authority on 17.08.2022 for granting passport, but the passport authority advised him to get a direction by this Court for issuance of passport. The petitioner has to visit foreign countries to develop his business skills and to participate in the carnival for business promotion and for want of promotion and that he requested the court to direct the passport authority to issue regular passport to him. He further filed his affidavit undertaking that he will not leave India without prior permission from this Court.

03. The respondent/complainant filed counter opposing the petition stating that if the petitioner is allowed to take passport, his presence cannot be secured during the course of trial in the case and hence, an undertaking may be taken from him that he would not leave India without prior permission from this Court.

04. Heard the learned counsel for petitioner and the learned Special Public Prosecutor.

05. Now the point for determination is :

*Whether there are grounds to issue direction to
The passport authority concerned to issue
Regular passport to the petitioner as prayed for?*

06. **POINT:** Perused the entire record. The investigation is completed and charge sheet is also filed in this case. There is no scope for concluding the trial in this case in near future. Hence, this Court is of the opinion that the petitioner can be permitted to get passport, but with a condition that he has to obtain prior permission from this Court to leave India. Accordingly, this point is answered.

07. In the result, the petition is allowed. The Passport Authority situated at M.G. Road, Opp. Radio Station (Air), Old Venkateswara Theater complex, Vijayawada is directed to consider the application of petitioner for regular passport and if the petitioner is entitled for getting passport by submitting the necessary information, to issue the passport to the petitioner since, this Court has no objection to issue passport to the petitioner, if his application is otherwise in order. Office is directed to forward a copy of this order to the Passport authority, Vijayawada to entertain ^{the} application of the petitioner.

Dictated to the Stenographer Grade-II, transcribed by him, corrected and pronounced by me in open Court, on this the 24th day of January, 2023.



24/01/2023
SPL. JUDGE FOR TRIAL OF APPDFA ACT CASES,
- CUM - METROPOLITAN SESSIONS JUDGE,
VIJAYAWADA.

Copy to:
The Passport Authority situated at M.G. Road, Opp. Radio Station (Air), Old
Venkateswara Theater complex, Vijayawada