

In the Court of Additional District & Sessions Judge,
2nd Court, Sealdah, South 24 Parganas
S.C. 7(7)2023 [R-114/23]
Present: Sri Abir Chatterjee, Additional Dist. & Sess. Judge.
JO-UID WB00833

**[Arising out of Chitpur P.S. case no.11 of 2021 dated 23.01.2021 under
Sec.302/34 of IPC read with Sec.25(1B)(a)/27 of the Arms Act]**

Order Number 5 dated 14.03.2024

Case record is put up by petition. One application is filed seeking return of the passport seized by the I.O. of this case. Copy is served.

Documents filed as per list including order passed in CRM 3081 of 2021 dated 03.06.2021 and Order dated 10.12.2021.

Heard Ld. Advocate for the petitioner and it was submitted that son of the petitioner / accused was selected for participation in a contest in California, U.S.A. scheduled between 23.05.2024 and 26.05.2024 for which he likes to attend with his son. It was further stated that his passport bearing no.Z5471719 was seized in this case and unless the same be returned he will not be able to accompany his son to U.S.A.

No objection is raised from the side of state.

Record speaks that accused Md. Imran was granted bail by Hon'ble High Court, Calcutta in CRM 3081 of 2021. Specific restraint has been put on his movememnt while granting the bail apart from the condition to meet with the I.O. Copy of order dated 10.12.2021 speaks that Hon'ble Court was pleased to waive the restriction and further entrusted the trial court to deal with the attendance of the accused.

In the case of **Suresh Nanda -VS- CBI 2008 AIR (SC) 1414** Hon'ble Apex Court had reiterated that impounding of passport and retention of a document are two different thing. Question of impounding a "passport" is provided for in section 10(3) of the Passport Act. Unless proceeded under the said Act the passport cannot be retained.

The seizure list dated 23.01.2021 discloses that passport bearing no.Z5471719 standing in the name of Mohammad Zubair was seized in this case. Accused was granted bail by Hon'ble Court. Conduct of the accused subsequent to granting of bail do not suggests that he intends to abscond from the process of the court. Hence there can be no restriction in releasing the passport.

Hence IO of this case is directed to release the passport to the accused Md. Zubair @ Mohammad Zubair on proper identification and verification.

However it is made clear that Md. Zubair @ Mohammad Zubair should obtain prior permission of this court prior to leaving the country during pendency of this case.

A copy of this order be uploaded in CIS and also be handed over to the petitioner for his record and use for the purpose stated.

To date (13.06.2024) for consideration of charge.

Dict. & Corr. by me,
Sd/-
Addl. Dist. & Sess. Judge, 2nd Court,
Sealdah.

Sd/-
Addl. Dist. & Sess. Judge, 2nd Court,
Sealdah.