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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2026

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Crl.R.C.(MD).No.190 of 2026

D.Kannan ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its the Deputy Superintendent of Police,
Q Branch CID Police Station,
Thanjavur District.
(In Crime No.1 of 2024)

2.Shafeek Ahamed ... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C (Section 438 r/w 442 of BNSS, 2023), to call for the records pertaining to the judgment dated 09.01.2026 passed in Crl.M.P.No.5904 of 2025 on the file of the Judicial Magistrate, Pattukkottai in Crime No.1 of 2024 on the file of the 1st respondent Police for the offences u/s.120(B), 420, 465, 467, 468, 471, 109, 170 of IPC r/w. 12(1)(b), (12)(1A)(a), 12(2) of Passport Act, 1967, 14(C) Foreigners Act -1946 and 66C, 66D IT Act, 2000 and set aside the same consequently directing to pass an order of interim custody of the petitioner's passport bearing No.Y2460029 by allowing criminal revision petition.

For Petitioner : Mr.D.S.Haroon Rasheed

For R-1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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ORDER

Heard Mr.D.S.Haroon Rasheed, learned counsel for revision petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for first respondent.

2. The present Criminal Revision Case is filed challenging the order passed by the Judicial Magistrate, Pattukkottai in Crl.M.P.No.5904 of 2025 dated 09.01.2026, whereby, petitioner's request for interim custody of the passport bearing No.Y2460029 was rejected on the premise that investigation is pending in the said case.

3. Learned counsel for petitioner would submit that petitioner is a third party. He handed over his original passport to second respondent for securing job. While so, a case was registered against the second respondent and 8 others in Crime No.1 of 2024 for the offences under Sections 120(B), 420, 465, 467, 468, 471, 109, 170 of IPC r/w. Sections 12(1)(b), (12)(1A)(a), 12(2) of Passport Act, 1967, 14(C) Foreigners Act, 1946 and Sections 66C, 66D Information Technology Act, 2000 alleging that the second respondent along with others prepared fake Indian passports for Srilankan citizens. Thereafter, petitioner's passport was seized from the second respondent. Petitioner has filed

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Crl.MP.No.5904 of 2025 before the Judicial Magistrate, Pattukottai, to grant interim custody of the said passport and the said petition was dismissed by the Court below by the impugned order dated 09.01.2026 for the reasons stated supra. Hence, this Criminal Revision Case has been filed.

4. Learned counsel for petitioner would submit that petitioner is not an accused in the said case; that he has no knowledge of the said offence; that interim custody of his passport may be granted and that he would abide by any conditions that may be imposed by this Court.

5. Learned Additional Public Prosecutor appearing for the first respondent, on written instructions, would submit that petitioner is an Indian citizen and that respondent police has no serious objection for granting interim custody of the passport subject to the condition that petitioner would co-operate with the investigation and produce the passport as and when required, which was agreed to by learned counsel for petitioner. Relevant portion of written instructions from first respondent Police is extracted hereunder:

> *"மேற்படி பதிலறிக்கையை ஆய்வு செய்ததிலிருந்தும், இம்மனுக்கள் கொடுத்துள்ள 5 நபர்களை விசாரித்த போது அவர்கள் சமர்ப்பித்துள்ள ஆவணங்களை ஆய்வு*

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செய்ததிலிருந்தும் மேற்படி 5 நபர்கள் இந்தியர்கள் என்பது தெரியவந்துள்ளது.

இவ்வழக்கில் அவர்களுக்கு எவ்வித தொடர்பும் இல்லை என்பதும் விசாரணையில் தெரியவந்துள்ளது.

எனவே மேற்படி 5 நபர்களின் கடவுச்சீட்டினை உரிய நபர்களிடம் கொடுக்க எவ்வித ஆட்சேபணையும் இல்லை என்றும், இவ்வழக்கில் இவர்களது கடவுச்சீட்டு எதிரி சபீக் அகமது என்பவரை கைது செய்யும் போது அவரிடமிருந்து கைப்பற்றப்பட்ட ஆவணங்கள் என்பதாலும், இவ்வழக்கிற்கு தேவைப்படும் பட்சத்தில் மேற்படி நபர்கள் அவர்களது கடவுச்சீட்டினை நீதிமன்றத்தில் ஒப்படைக்க வேண்டுமாய் பணிவுடன் கேட்டுக்கொள்ளப்படுகிறது.''

6. In view thereof, impugned order dated 09.01.2026 passed by Judicial Magistrate, Pattukottai in Crl.M.P.No.5904 of 2025 is set aside and the petitioner's passport bearing No.Y2460029 is directed to be released to petitioner subject to the following conditions:

(i) Petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Pattukottai;

(ii) Passport shall be released after taking photocopy of the same;

(iii) Petitioner shall undertake to co-operate with the investigation and participate in the enquiry to be conducted by the respondent Police;

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(iv) Petitioner shall furnish an undertaking to the trial court that he would surrender the passport within one week of being so directed.

7. This Criminal Revision case is disposed of on the above terms.

13.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
1.The Judicial Magistrate,
Pattukkottai.

2.The Deputy Superintendent of Police,
Q Branch CID Police Station,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

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MOHAMMED SHAFFIQ, J.

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