

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.14275 of 2015

V.Balaguruswamy

...Petitioner

Vs

State rep.by

The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai-600 040.

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to permit the petitioner to visit the petitioner's son viz., Saravanan Balagurusamy, residing at United Kingdom for five months between 15th June 2015 and 30th November 2015.

For Petitioner :Mr.C.Arunkumar

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to permit the petitioner to visit his son Saravanan Balagurusamy, residing in United Kingdom, for five months between 15th June 2015 and 30th November 2015.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials placed on record.

3.It is seen that the petitioner is an accused in CC.No.3792 of 2012 on the file of the learned X Metropolitan Magistrate, Egmore, Chennai.

4.It is the case of the petitioner that his son is a Physician in United Kingdom and that he got married to Dr.Pinki Vedavanam. He wants to visit them. When he applied for UK Visa, it was rejected on the following grounds:

"At interview you were asked "You are currently on bail; do you have permission to leave the country?" you replied "I have got a new ppt they have given me permission based on this I have got the new ppt. The

case is put on hold indefinitely, not sure when it is going to come up". You were then asked "Do you have anything in writing that says you can leave the country whilst on bail?" you replied "There is no permission as such but there is no information that I cannot leave the country". Following the interview, you were asked to obtain permission from the High Court to allow you to travel however you have now advised that the High Court is ***now** closed for the summer and you can't obtain the necessary permission until June. I do not find it credible that the High Court would be closed completely for a long period and that you would not be able to obtain the permission.

Given that the last time you visited the UK you obtained permission to travel from the Court and the fact that the case is still ongoing, I am not satisfied that you have the necessary permission to travel outside of India and therefore, I am refusing you under Paragraph 320 (19) of the immigration rules."

Therefore, the petitioner has approached this Court seeking permission to travel abroad.

5.It is also seen that the proceedings in CC.No.3792 of 2014 has been stayed by this Court in CrIOP.No.25797 of 2014 on 18.09.2014 and the stay is still continuing. The petitioner has roots in India and that there are reasons to believe that he will not abscond. It is also brought to the notice of this Court that earlier, in CrIOP.No.9586 of 2013, this Court had passed an order on 29.04.2013 granting permission to the petitioner to visit the United Kingdom.

6.Under such circumstances, permission is granted to the petitioner to visit the United Kingdom and Singapore. The petitioner shall appear before the learned X Metropolitan Magistrate, Egmore, Chennai, and file an affidavit disclosing his address in the United Kingdom and Singapore and also about his itinerary. On such affidavit being filed with petition, the learned X Metropolitan Magistrate, Egmore, Chennai, is directed to accept the same and formally grant permission to the petitioner.

Accordingly, this Criminal Original Petition is disposed of.

For Being Mentioned

This matter having been listed under the Caption "for being mentioned" on (07.07.2015) Tuesday, the 7th day of July, 2015 pursuant to the order of this court dated 12.06.2015 and made herein in the presence of the aforesaid counsels on either sides, the court made the following order:

The matter is listed under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The prayer in the main petition is for a direction under Section 482 Cr.P.C. to permit the petitioner to visit his son viz., Saravanan Balagurusamy, who is residing in United Kingdom.

2. The petitioner prayed for permission to visit his son between 15th June, 2015 and 30th November, 2015. This Court allowed the petition on 12.06.2015 as prayed for. But, the order copy was received by the petitioner only on 29.06.2015. Hence, the petitioner is seeking for extension of time.

3. That apart, the learned counsel for the petitioner brought to the notice of this Court that a few errors have crept in the order, which are in para - 4, the extracted portion of the rejection order requires to be corrected. In view of the submission made by the learned counsel for the petitioner, in the existing para - 4, the following para - 4 should be substituted.

" 4. It is the case of the petitioner that his son is a physician in United Kingdom and that, he wants to visit him. When he applied for UK Visa, it was rejected on the following grounds: "

Further, in para - 4, this Court has extracted the rejection order, in which, there is an error in line No.13 of the extracted portion. It has been typed as " High Court is not closed for the summer" and the same should be read as " High Court is now closed for the summer"

4. In view of the above, extension of time is granted and the petitioner is permitted to visit United Kingdom and Singapore from 15th July, 2015 to 30th December, 2015. Rest of the conditions imposed by this Court in the order dated 12.06.2015 shall remain unaltered.

Sd/-

Assistant Registrar(CO)

***Amended as per order dated 07.07.2015**

Sd/- Assistant Registrar

Dated : 10.07.2015

True Copy

Sub-Assistant Registrar

mps

To

1.The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai-600 040.

To be substituted to the
orders already despatched
on 06.07.2015

2.The X Metropolitan Magistrate,
Egmore, Chennai.

3.-do- thro'the Chief Metropolitan Magistrate,
Egmore, Chennai.

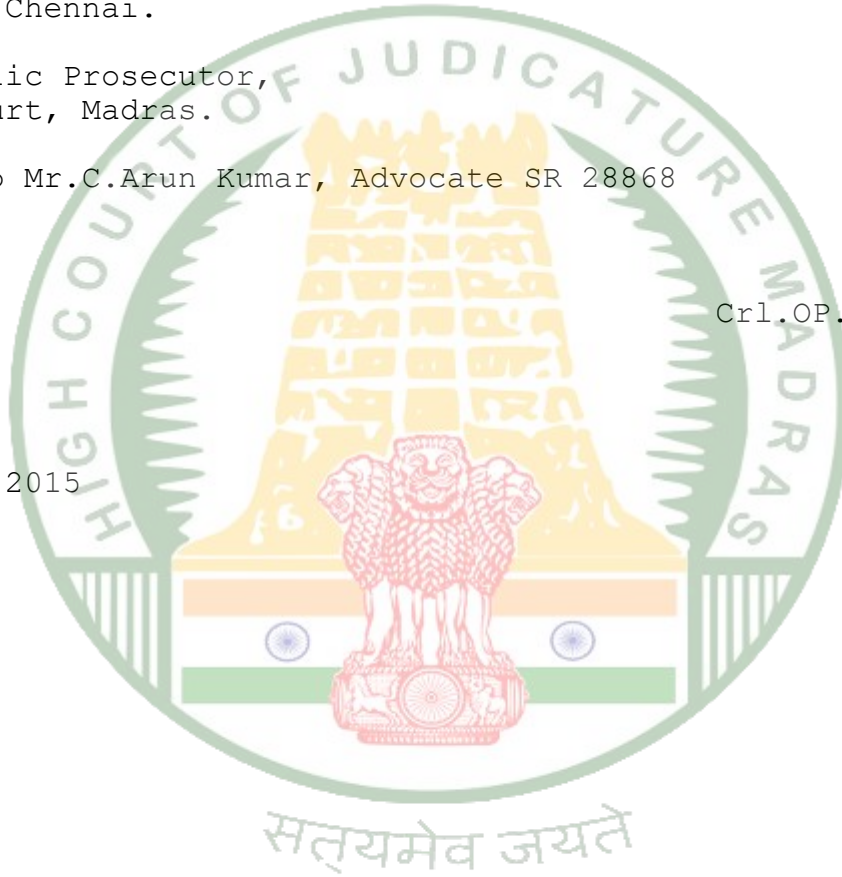
4.The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.C.Arun Kumar, Advocate SR 28868

Cr1.OP.No.14275 of 2015

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SAI [CO]
PSI 10.07.2015



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