

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

Criminal Revision No.1027 of 2015

Pothapragada Srinivas

.. Petitioner

Vs

State rep. by
The Inspector of Police,
CBI,ACB, Chennai.

.. Respondent

Prayer:- This Criminal Revision Petition has been filed under Section 397 r/w.401 of Cr.P.C., to call for the records of the XII Additional Special Judge for CBI Cases, Chennai in CrI.M.P.No.4150 of 2015 in C.C.No.5 of 2015 dated 21.8.2015 set aside the same and to return the passport of the petitioner bearing NO.F 4467099.

For Petitioner : M/s.V.Kannadasan

For Respondent :Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases

ORDER

This Criminal Revision has been directed against the dismissal order dated 21st day of August, 2015 passed in CrI.M.P.No. 4150 of 2015 in Calendar Case No.5 of 2015 by the XII Additional Special Judge, CBI Court, Chennai.

2. The Revision Petitioner herein as petitioner has filed CrI.M.P.No.4150 of 2015 in Calendar Case No.5 of 2015, praying to return his passport, which is under the custody of the court, wherein, the present respondent is shown as sole respondent. The court below, after considering the diverging contentions and also after considering the fact that the passport has been seized in pursuance of the order passed by this Court, has dismissed the petition. Against the dismissal order, the present Criminal Revision has been preferred at the instance of the petitioner as criminal revision petitioner.

3. The learned counsel appearing for the revision petitioner has sparingly contended that in paragraph 5 of the petition, it has been specifically stated that the revision petitioner, being

the Managing Director of the Company, has decided to go to Gulf country in connection with his business and under the said circumstances, his passport is required. But the court below, without considering the purport for which the passport is required, has erroneously dismissed the petition and therefore, the dismissal order passed by the court below is liable to be set aside.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent has contended that the passport in question has been seized as per the order passed by this court and further the revision petitioner has been arrayed as one of the accused in Calendar Case No.5 of 2015. Since the revision petitioner has been arrayed as one of the accused in Calendar Case No.5 of 2015, it is not feasible nor desirable to allow him to go abroad and the trial court, after considering the fact that the passport has been seized as per the order of this court, has rightly dismissed the petition and the dismissal order passed by the court below does not call for any interference.

5. It is seen from the diverging submissions that the passport in question has been seized only as per the order passed by this Court. Further it is seen from the records that the revision petitioner has been shown as one of the accused in Calendar Case No.5/2015.

6. Considering the fact that the revision petitioner has been shown as one of the accused in Calendar Case No.5/2015, it is not desirable to allow the revision petitioner to go to foreign country. Under the said circumstances, the dismissal order passed by the court below is perfectly correct and the same does not require any interference. However, the following direction can be given to the court below for disposing of Calendar Case No.5 of 2015 as indicated below.

In fine, this Criminal Revision Case is dismissed. The order passed in CrI.M.P.No.4150/2015 in Calendar Case No.5/2015 by the court below is confirmed. However the court below is directed to dispose of Calendar Case No.5/2015 before the end of March 2016 and report the same to the Registry without fail.

mrp

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

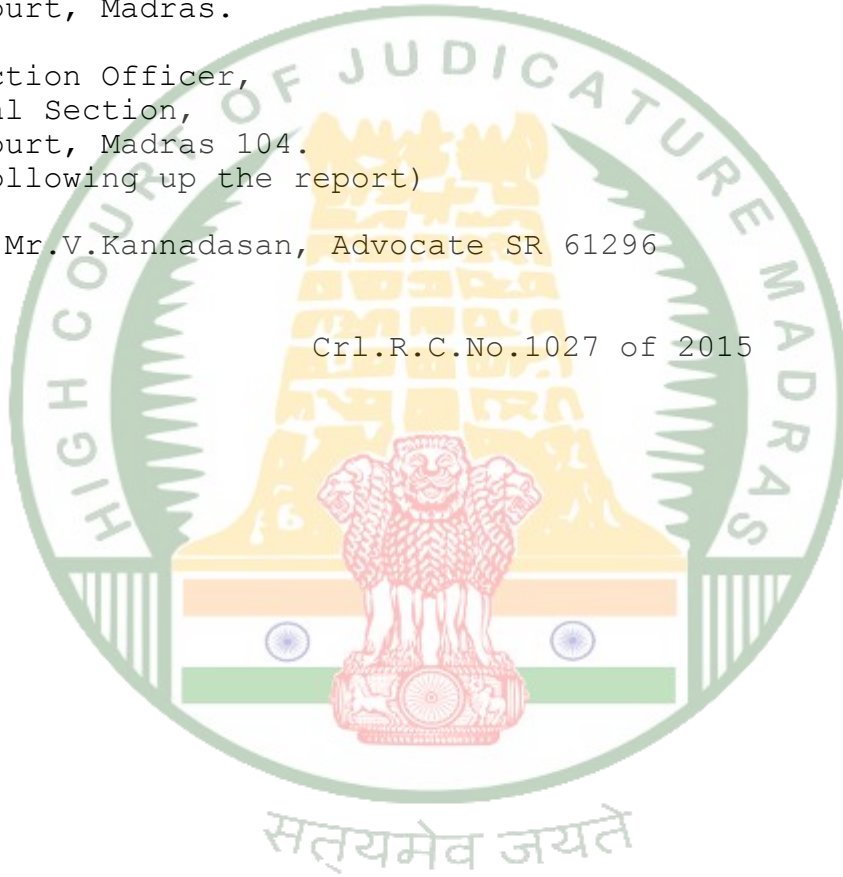
To

1. The Additional Special Judge for CBI Cases,
XII Additional Special Court for CBI Cases,
Chennai.
2. The Inspector of Police,
CBI,ACB, Chennai.
3. The Special Public Prosecutor,
(CBI cases)
High Court, Madras.
4. The Section Officer,
Criminal Section,
High Court, Madras 104.
(for following up the report)

+ 1 cc to Mr.V.Kannadasan, Advocate SR 61296

msm(co)
prk25/11

CrI.R.C.No.1027 of 2015



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