

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.16961 of 2015

Lada Miron

...Petitioner

Vs.

State, rep by
Inspector of Police,
(CID)
Pudhucherry.

...Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., praying to permit the petitioner to travel to France and stay there for a period of three months to assist the petitioner's daughter, who is in the advanced stage of pregnancy pending disposal of C.C. No.422 of 2008 on the file of the Judicial Magistrate No.II, Puducherry.

For Petitioner : Mr.K.Srinivasan

For Respondent : Mr.Thangavel
Additional Public Prosecutor
(Pondicherry)

O R D E R

This Criminal Original Petition has been filed praying to permit the petitioner to travel to France and stay there for a period of three months to assist the petitioner's daughter, who is in the advanced stage of pregnancy, pending disposal of C.C. No.422 of 2008 on the file of the Judicial Magistrate No.II, Puducherry.

2. Heard Mr.K.Srinivasan, the learned counsel appearing for the petitioner and Mr.Thangavel, the learned Additional Public Prosecutor (Pondicherry) appearing for the respondent.

3. It is seen that the petitioner is a French National and is a holder of French Passport. She is facing trial in C.C. No.422 of 2008 before the learned Judicial Magistrate-II, Puducherry for offences under Sections 294, 506 (ii) and 120 (B) r/w 34 IPC.

4. This case was registered way back in the year 2006, on a complaint lodged by the petitioner's ex-husband. The final report was filed in the year 2008 and the case is still pending trial. Under such circumstances, the petitioner now wants to go to France, since her daughter is in the family way. Therefore, she has approached this Court for permission to go to France and stay there for a period of three months to assist her, to be of help to her daughter during delivery.

5. The Superintendent of Police (North), Government of Puducherry, by certificate dated 02.07.2015 has stated that apart from the case in C.C. No.422 of 2008, there are no other criminal cases against the petitioner.

6. Taking into consideration the fact that the petitioner is charged for trivial offences, that too on a complaint lodged by her ex-husband, this Court is of the view that it will be travesty of justice, if permission is denied to this petitioner, who has all along been in Puducherry, since the time the FIR was registered in the year 2006.

7. Under such circumstances, the petitioner is directed to appear before the learned Judicial Magistrate-II, Puducherry in C.C. No.422 of 2008 and file an affidavit before the learned Judicial Magistrate, disclosing her itinerary, place of stay in France and also submit a copy of her passport. She shall execute a bond under Section 88 of Cr.P.C., with two sureties, one of whom should be a local surety for a sum of Rs.15,000/- undertaking to return within three months from the date of departure. She should also give her tentative date of departure in the affidavit.

8. The petitioner shall also give an undertaking that in her absence, the trial in C.C.No.422 of 2008 can proceed and that her counsel on record will cross-examine the witnesses in her absence and that she will not dispute her identity. On submission of the bond as aforesaid and after filing the undertaking affidavit, the learned Judicial Magistrate-II, Puducherry, is directed to formally give permission to the petitioner to go to France for a period of three months from the date of departure.

9. With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Judicial Magistrate II,
Puducherry.

2. The Inspector of Police,
(CID)
Pudhucherry.

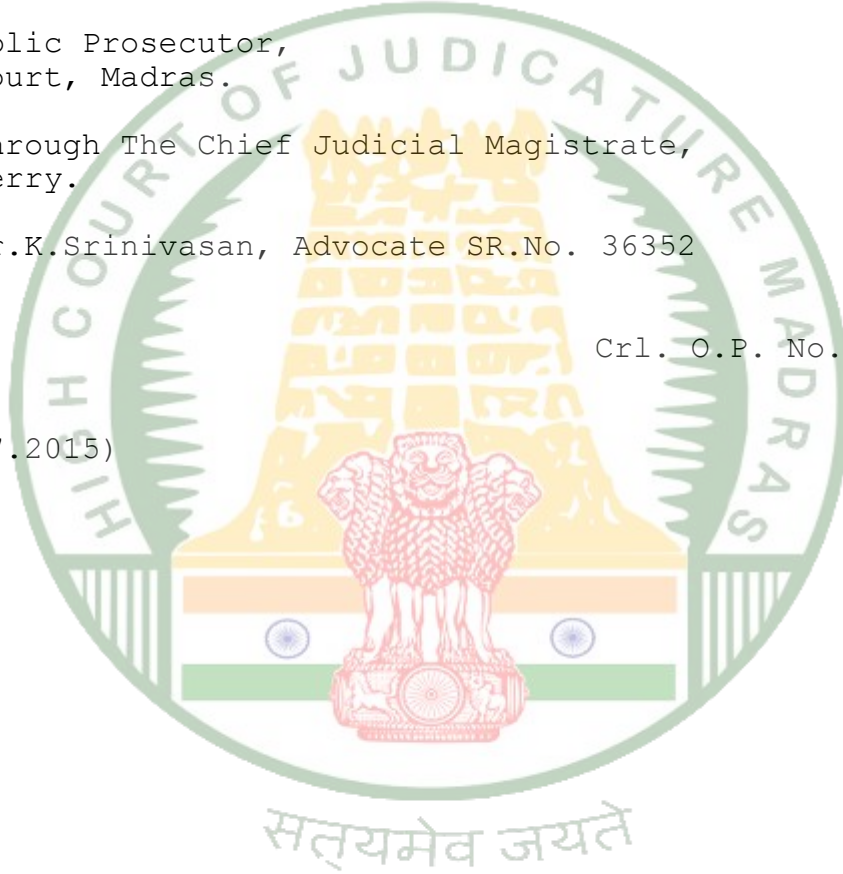
3. The Public Prosecutor,
High Court, Madras.

4. -Do- Through The Chief Judicial Magistrate,
Puducherry.

1 CC to Mr.K.Srinivasan, Advocate SR.No. 36352

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PSI (20.07.2015)



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