

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1190 of 2015

Mohamed Kalangiyam @ Shariff  
S/o.Mydeen

.. Revision Petitioner/Petitioner

Vs.

State, represented by  
The Inspector of Police,  
S-2, Airport Police Station,  
Chennai.

... Respondent /Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. praying to call for the records and set aside the order passed in Cr.M.P.No.7001 of 2015 by learned Judicial Magistrate, Alandur, dated 02.11.2015 and direct learned Judicial Magistrate, Alandur, to return the Indian Passport bearing No.J 2037541 issued in the name of petitioner, seized and produced before the Judicial Magistrate, Alandur, in connection with the case in Crime No.632 of 2015 on the file of respondent.

For Petitioner : Dr.G.Krishnamurthy

For Respondent : Mr.C.Iyyapparaj  
Government Advocate [Crl.side]

O R D E R

This petition seeks to set aside the order of learned Judicial Magistrate, Alandur, passed in Cr.M.P.No.7001 of 2015 on 02.11.2015.

2. Petitioner was arrested in connection with the case in Crime No.632 of 2015 on the file of respondent for offences u/s.12(1)(b) of Passport Act r/w 420, 468, 471 IPC and his passport was seized by the respondent. After his release on bail, petitioner moved Cr.M.P.No.7001 of 2015 on the file of learned Judicial Magistrate, Alandur, seeking return of his passport. The Court below has dismissed such petition under

orders dated 02.11.2015. Such order is under challenge in this revision.

3. Heard learned counsel for the petitioner and learned Government Advocate [Crl.side].

4. Learned counsel for petitioner submits that the petitioner falsely has been implicated in this case and he is in need of passport to travel abroad.

5. Learned Government Advocate [Crl.side] submits that investigation in Crime No.632 of 2015 on the file of respondent is still pending.

The respondent is not empowered to seize a passport. This Criminal Revision is allowed. The order of learned Judicial Magistrate, Alandur, passed in Cr.M.P.No.7001 of 2015 on 02.11.2015, is set aside. Learned Judicial Magistrate, Alandur, is directed to return the passport of the petitioner on condition that the petitioner shall file an affidavit undertaking not to leave the country without informing the trial Court and on each such occasion inform the place at which he will be available for contact during his period of stay away from India. The affidavit shall also contain an undertaking that the petitioner shall co-operate with the investigation and make himself available for interrogation as and when required.

Sd/-  
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1.The Judicial Magistrate,  
Alandur.

2.The Public Prosecutor,  
High Court Madras.

+1cc to Mr.V.Jaisankar, Advocate Sr.64137

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vgi[co] srg 10/12/2015