

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.08.2015

Coram

The Honourable Mr. Justice A.SELVAM

Crl. R.C.No.567 of 2015

Maria Stella Rene

.. Petitioner/Accused

vs.

State by
Inspector of Police
CBI/SCB, Chennai

.. Respondent/Complainant

Revision under Sections 397 and 401 of Criminal Procedure Code to set-aside the order passed by the Learned Chief Judicial Magistrate at Puducherry in Cr.M.P.No.1491 of 2015 and direct the lower court to return the petitioner French national passport bearing passport No.07CR788854 to the petitioner in connection with the case in Crime No. RC.6/S/2014/CBI/SCB/CHENNAI on the file of the respondent police.

For petitioner : Mr.I.Paranthaman

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

O R D E R

This Criminal Revision Case has been preferred against the order dated 6.6.2015 passed in Crl.M.P.No.1491 of 2015 by the Chief Judicial Magistrate, Puducherry in Crime No. RC.6(S)/2014/CBI/SCB/Chennai.

2. The revision petitioner has been shown as one of the accused in Crime No. RC.6(S)/2014/CBI/SCB/Chennai. During the pendency of investigation, the revision petitioner has filed the petition in question under section 451 of the Code of Criminal Procedure, 1973 praying to grant interim custody of her French National Passport.

3. It is averred in the petition that the petitioner and others are said to have committed offences punishable under sections 120-B, 468, 468 r/w 471, 419 and 420 of Indian Penal Code and during the course of investigation, the passport of the petitioner has been seized and now the same is under the custody of the court and since her family members are residing in France, she wants to go there. Under the said circumstances, the present petition has been filed for getting the relief sought for therein.

4. The Court below after considering the divergent contentions raised on either side has dismissed the petition. Against the dismissal order, the present Criminal Revision Case has been preferred.

5. The learned counsel appearing for the revision petitioner has repeatedly contended that some relatives of the revision petitioner are residing in Puducherry and the petitioner is ready to abide any condition to be imposed against her and since her family members are living in France, she wants to go there and under the said circumstances, the present petition has been filed. But the court below without considering the purpose for which the petition has been filed erroneously dismissed the petition and therefore the dismissal order passed by the court below is liable to be set aside.

6. The learned Special Public Prosecutor appearing for the respondent has also equally contended that totally six persons have been arrayed as accused and some of them are absconding and necessary steps have been taken so as to secure their presence. Under the said circumstances, it is not feasible to give interim custody of the passport of the petitioner and the Court below after considering all the contentions raised on the side of the respondent has rightly dismissed the petition and therefore the dismissal order passed by the court below need not be set aside.

7. From divergent submissions made on either side, the Court can easily deduce that the petitioner is a French National and since she and others are said to have committed the offences mentioned supra, her Passport has been seized and now the same is under the custody of the Court.

8. The only reason given in the petition is that the family members of the petitioner are now residing in France and the petitioner wants to see them and therefore the Passport in question is required.

9. It has already been pointed out that the petitioner and others are said to have committed the offences mentioned supra and further some of the accused are still absconding. It is not possible on the part of the court to grant interim custody of the Passport of the petitioner.

10. The Court below after evaluating the rival contentions put forth on either side has rightly dismissed the petition. In view of the discussions made earlier, this Court has not found any error nor illegality in the order passed by the court below and therefore the present Criminal Revision Case deserves to be dismissed.

11. In fine, this Criminal Revision Case is dismissed and the order passed in CrI.M.P.No.1491 of 2015 in Crime No. RC.6(S)/2014/CBI/SCB/Chennai is confirmed. However, the court below is directed to take suitable steps so as to dispose of the case as early as possible after securing the absconding accused.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Chief Judicial Magistrate at
Puducherry

2. Inspector of Police
CBI/SCB, Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I. Puranthaman, Advocate, S.R.No.41278

+1cc to Mr.Special Public Prosecutor, Advocate, S.R.No.41303

SR(CO)
EU(10/09/2015)

सत्यमेव जयते

CrI.R.C.No.567 of 2015

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