

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Cr1.R.C.No.901 of 2015

and

M.P.No.1 of 2015

R.Padma,
W/o.Late S.Ramanathan,
134-A, Arcot Road,
Y.S.Enclave, 2nd Block,
D.No.K5, Virugaambakkam,
Chennai-92.

.... Petitioner/Petitioner/A-20

Vs.

The Inspector of Police,
Central Crime Branch,
Salem. (Crime No.35/2005)

.... Respondent/Respondent/Complainant

Prayer: Revision has been filed under Sections 397 r/w 401 of Cr.P.C against the order dated 29.06.2015 passed by the learned Judicial Magistrate No.I, Salem in C.M.P.No.153 of 2015 in C.C.No.90 of 2009.

For Petitioner : Mr.K.Thilageswsaran

For Respondent : Mr.V.Arul, Govt Advocate (Cr1.Side)

ORDER

The present Criminal Revision Case has been filed praying to set aside the order dated 29.06.2015 passed by the learned Judicial Magistrate No.I, Salem in C.M.P.No.153 of 2015 in C.C.No.90 of 2009, whereby the request of the petitioner for issuance of no-objection certificate to the petitioner to enable her to go to USA and to return after six months, was rejected by the Trial Court.

2.Though the prayer was made to permit the petitioner to go to USA in order to visit her sons who are residing there, which was dismissed by the Trial Court, now the learned counsel for the petitioner has confined his request only to the limited extent saying that the petitioner's Passport has expired and now she has submitted for its renewal; but in view of the pendency of the criminal case, the Passport Authorities have not renewed her Passport; that the petitioner may be permitted to get the Passport renewed and even after the renewal of Passport, the petitioner will not leave the country without the permission of the Court. The learned counsel for

the petitioner would further submit that the petitioner is a retired employee of the State Bank of India and her sons are residing in USA and the petitioner will abide by any condition to be imposed by the Court.

3.The learned Government Advocate (Crl.Side) submitted that the criminal case is pending from the year 2009 and if the petitioner is allowed to leave the country, it is difficult for her to get along with the case; therefore, necessary conditions may be imposed for getting renewal of Passport.

4.Keeping the submissions made on either side, I have carefully gone through the materials available on record. Considering the facts that the criminal case is pending from the year 2009, the petitioner is a senior citizen, she is a retired employee of State of Bank of India and her sons are residing in abroad, this Court is of the view that the petitioner may be permitted to move the Passport Authorities to get her Passport renewed, on certain conditions.

5.Accordingly, the petitioner is permitted to move the Passport Authorities for renewal of her Passport on the following conditions:-

(i)The petitioner shall file an affidavit of undertaking before this Court as well as before the Trial Court, within a period of ten days from today, to the effect that she will not leave the country, even after the renewal of Passport without the permission of the Trial Court.

(ii)One of the sons of the petitioners, who are residing in USA, shall give a surety for her before taking her to abroad.

(iii)After getting the Passport renewed, the petitioner shall approach the Trial Court seeking further permission to leave the country. Without further permission of the Trial Court, the petitioner cannot leave the country.

(iv)It is made clear that the Trial Court can decide the claim of the petitioner on its own and shall impose necessary conditions as it deem fit in accordance with law independently.

With the above terms, the Criminal Revision Case is disposed of. Connected Miscellaneous Petition is also closed.

ssv

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

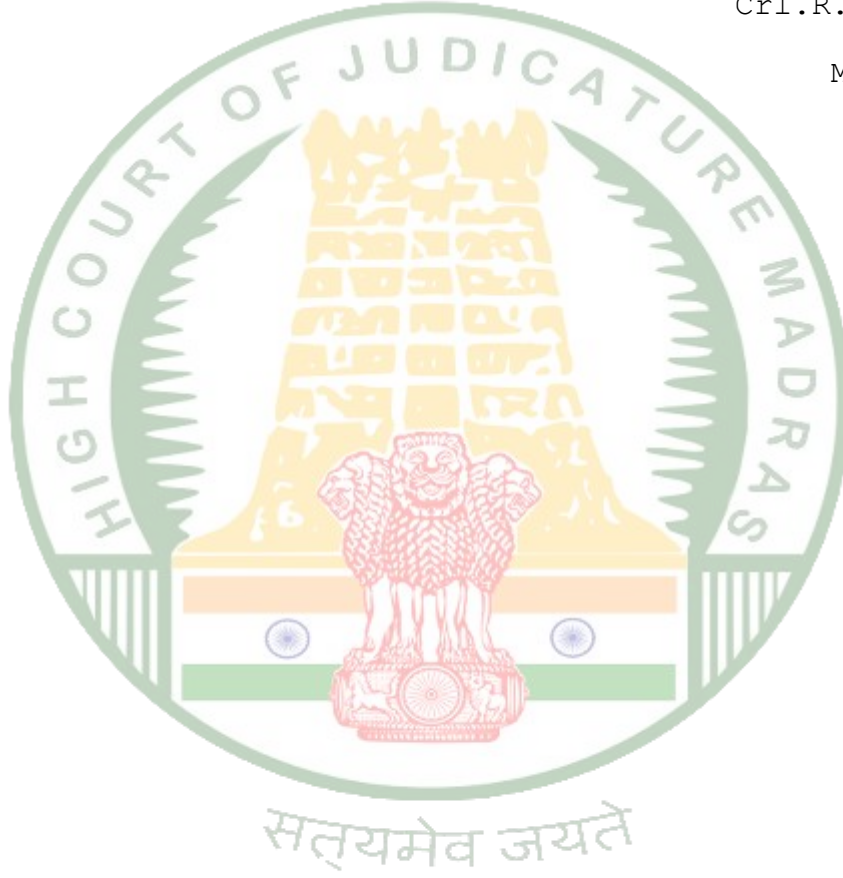
1.The Judicial Magistrate No.I, Salem.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.Thilageswaran, Advocate SR 49377

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