

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.24503 of 2015

Annadurai Pachaiappan.

... Petitioner

Vs

The State,
Rep by the Inspector of Police,
CBCID Salem.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction permitting the petitioner to travel abroad pending disposal of the proceedings in Dharmapuri P.S. Cr. No. 2074/2009 on the file Judicial Magistrate -I, Dharmapuri.

For Petitioner : Mr.M.Shreedhar,
For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present criminal original petition has been filed by the petitioner to permit him to travel abroad pending disposal of the proceedings in Dharmapuri P.S. Cr. No. 2074/2009 on the file Judicial Magistrate -I, Dharmapuri.

2. The petitioner is accused No.3 in Crime No.2074/2009 on the file of respondent/police for the alleged offences under Sections 147, 148, 323, 325, 307 and 302 IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner has applied for re-issue of Passport vide application, dated 10.03.2015, which was kept pending by the Passport Authorities in view of the pendency of criminal case against the petitioner. The learned counsel pointed out that pendency of a criminal case against a person who applies for Passport, is not a bar for issuance of the Passport and in similar circumstances, this Court granted the relief vide order, dated 11.12.2012 in Crl.O.P.No.13592 of 2012 and "Saroja and another versus Regional Passport Officer" reported in 2011 (3) CLT 455. Hence, the learned counsel prayed this Court to pass similar order.

4. The learned Additional Public Prosecutor would submit that the accused has been involved in a murder case and on completion of investigation, a charge sheet has been filed before the concerned Judicial Magistrate, who also committed the case to the learned Principal District and Sessions Judge, Dharmapuri, which was taken on file as S.C.No.90 of 2015 and the trial is yet to be commenced. He also submitted that totally 31 accused were involved and there are as many as 135 witnesses to be examined. Therefore, the learned Additional Public Prosecutor would submit that if the petitioner is permitted to go abroad, it would be very difficult to secure his presence and thereby, it would be no progress in trial. Hence, he has strongly opposed the petition.

5. Considering the factual aspects of the case as well as the submissions made by the learned Additional Public Prosecutor, I am not inclined to entertain this petition. Further, the petitioner has been involved in a murder case and the citation relied on by the petitioner cannot be applied to the case of the petitioner.

Accordingly, this Criminal Original Petition is dismissed. However, this Court directs the learned Principal District and Sessions Judge, Dharmapuri to expedite the trial and complete the same as early as possible.

suk/rms

sd/-

Assistant Registrar (Judicial)

/Tru Copy/

Sub-Assistant Registrar

To

- 1 The Judicial Magistrate,
No.I, Dharmapuri.
- 2 The Principal District and
Session Judge, Dharmapuri.
- 3 The Inspector of Police,
CBCID Salem.

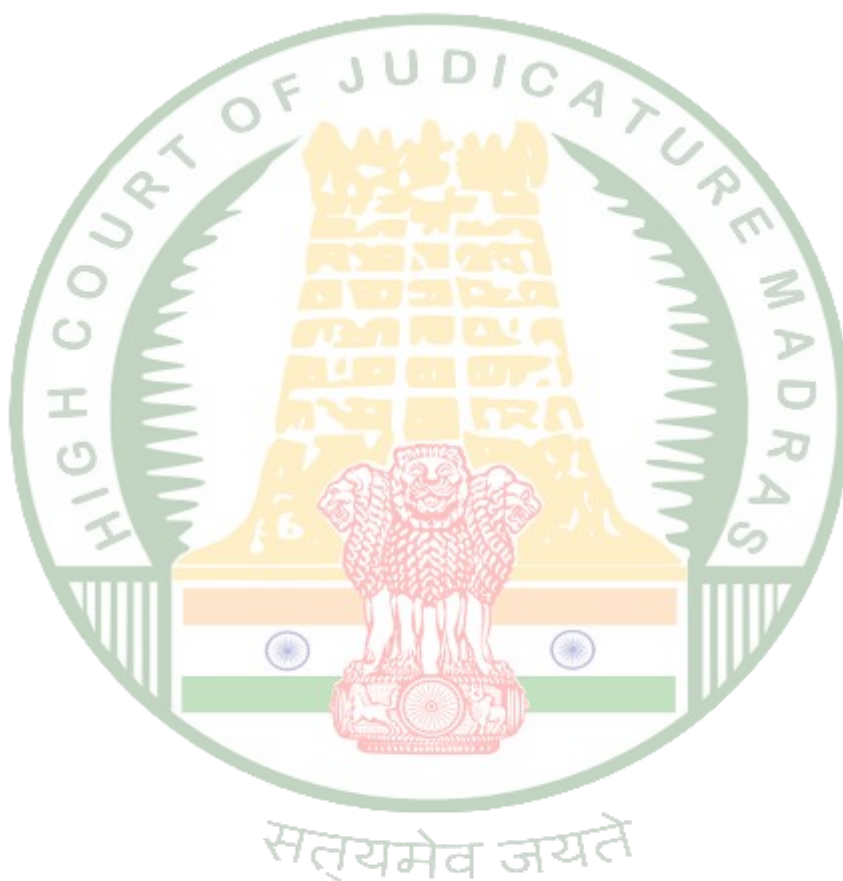
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4 The Public Prosecutor,
High Court, Madras.

+1CC M/S.M.SHREEDHAR AND ASSOCIATES in SR.NO. 63712

Cr1.O.P.No. 24503 of 2015

AD
SD 11/12/2015



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