

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.7853 of 2015

George Neelankavil

... Petitioner

Vs

State rep. by its
Deputy Superintendent of Police,
Economic Offence Wing-II,
Anna Nagar, Chennai-40.

... Respondent

Criminal Original Petition filed under Section 439(1)
(B) Cr.P.C. to modify the condition No.3 in the order passed by
the learned Special Judge under TNPID Act, Chennai, in
Crl.M.P.No.218 of 2013 dated 2.2.2013.

For Petitioner : Mr.V.S.Senthilkumar

For Respondents : Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl.Side)

ORDER

The present criminal original petition has been filed
to modify the condition No.3 in the order passed by the learned
Special Judge under TNPID Act, Chennai, in Crl.M.P.No.218 of
2013 dated 2.2.2013.

2. It is the case of the petitioner that he was
arrested for the alleged offences under Sections 420 and 406
I.P.C. read with Section 5 of TNPID Act. Subsequently, he was
released on bail by the order of the learned Special Judge under
TNPID Act, Chennai, dated 2.2.2013 in Crl.M.P.No.218 of 2013 and
one of the conditions of such release was, that the petitioner
shall surrender his passport before the said Court. Based on
the said condition, the petitioner surrendered his passport
before the lower court. Later, since the petitioner has to
undergo treatment in USA, he moved this Court by filing a
petition in Crl.O.P.No.13880 of 2013 seeking return of the
passport and this Court, by order dated 30.5.2013, was pleased

to return the passport to the petitioner for a period of six months. After returning from USA, the petitioner surrendered his passport and now, his passport is in the custody of the lower court.

3. Learned counsel appearing for the petitioner submitted that in this case, investigation was completed and charge sheet was filed and the same was taken on file as C.C.No.1 of 2014. Thereafter, the petitioner preferred a quash petition before this Court in CrI.O.P.No.24767 of 2014 and this Court, by order dated 12.2.2015, granted an order of interim stay and also dispensed with the personal appearance of the petitioner. Learned counsel appearing for the petitioner further submitted that the petitioner cannot travel outside India without his passport and hence, he seeks the return of the passport which would enable him to travel abroad to get his periodical treatment and return back to India after his treatment. Learned counsel further submitted that the petitioner will return to India after his treatment and he is ready to abide by any condition that this Court may impose on him.

4. I have heard the learned Government Advocate (CrI. Side) appearing for the respondent.

5. Considering the facts and circumstances of the case, I am of the opinion, condition No.(iii) of the order passed by the learned Special Judge under TNPID Act, Chennai, in CrI.M.P.No.218 of 2013 dated 2.2.2013 could be modified.

6. Accordingly, this Court modifies condition No.(iii) and directs as follows:-

The Special Court under TNPID Act, Chennai shall return the passport of the petitioner on condition that --

The petitioner informs under a sworn affidavit the address in the USA where he will be available for contact, the date by which he will return to India and return the passport to the custody of the lower Court. Such date shall not be beyond a period of six months from the date of return of the passport by the lower Court. The affidavit shall also contain an undertaking that the petitioner has no objection to the conduct of his trial, if any, in his absence and he will not challenge his identity at a later date. The petitioner is also directed to return the passport to the custody of the special Court under TNPID Act, Chennai, within a period of ten days from the date of return to India.

7. In view of the order above made, the passport authorities are directed to permit the petitioner to travel abroad, if his presence is not required in any other case.

8. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Special Judge under TNPID Act,
Chennai.
- 2.The Deputy Superintendent of Police,
Economic Offence Wing-II,
Anna Nagar, Chennai-40.
- 3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.S.Senthilkumar, Advocate SR.6284

RV(CO)
EU 30.04.2015

Cr1.O.P.No.7853 of 2015

सत्यमेव जयते

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