

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.9464 of 2015

M.Marimuthu

... Petitioner

Versus

The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai-90.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to issue a direction to the respondent Police to seize the passport from A4 at the time of surrendering by A3 and A4 and impound the passport and place the same in the custody of the Trial Court in compliance of the orders of the Hon'ble Supreme Court passed in Crl.A.No.2187 of 2014.

For Petitioner : Mr.Shanmugam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent Police to seize the passport from A4 at the time of surrendering by A3 and A4 and impound the passport and place the same in the custody of the Trial Court in compliance of the orders of the Hon'ble Supreme Court passed in Crl.Appeal No.2187 of 2014.

2. Heard Mr.Shanmugam, learned counsel for the petitioner and Mr.C.Emalias, Additional Public Prosecutor appearing for the respondent.

3. It appears that the anticipatory bail granted to the accused ***Prasad** was cancelled by the Hon'ble Supreme Court and the Hon'ble Supreme Court has passed the following orders:

"However, it will be open to the respondent Nos.1 and 2 to ask for regular bail which may be considered, uninfluenced by the order passed by the High Court or this Court.

The appeal is allowed with the aforesaid observations."

4. Now, the petitioner is seeking a direction to the respondent Police to seize the Passport of the said ***Prasad**.

5.A direction to the respondent Police to seize the Passport of the said ***Prasad** cannot be granted, because Passport is the document of Union of India and it could be impounded only in the manner known to law, as laid down in the Passport Act. It is open to the Court while granting bail to ***Prasad**, to impose a condition that ***he** should deposit her passport before the concerned Magistrate. Such an order cannot be passed now for this application under Section 482 Cr.P.C.

6. With the above observation, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar(CO)

***Corrected as per order
of this court dated 23.04.2015
and made herein crl.op.no.9464/2015
-s/d-
Assistant Registrar(CO)
Dated:24/4/2015**

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, /To be substituted to the
J-5, Sastri Nagar Police Station, / order already despatched on
Chennai-90. / 21.04.2015
 2. The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s.Shanmuga Associates SR 21015

(co)
prk20/4
aa24/04/2015

CRL.O.P.No.9464 of 2015