



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Criminal Original Petition (MD) No.21561 of 2014

B.John Pandian

.. Petitioner/Accused No.15

-Vs-.

The State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.45 of 1993)

.. Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to issue a direction permitting the petitioner to travel abroad to Malaysia and other countries, pending disposal of the proceedings in PRC No.3 of 2010 on the file of the learned Judicial Magistrate No.II, Dindigul.

For Petitioner
For Respondent

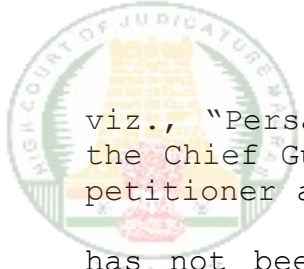
:Mr.R.Anand
:Mr.A.P.Balasubramani
Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed seeking for a direction, permitting the petitioner to travel to abroad to Malaysia and other countries, pending disposal of proceedings in PRC No.3 of 2010 pending on the file of the learned Judicial Magistrate No.II, Dindigul.

2. I have heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. Mr.R.Anand, the learned counsel appearing for the petitioner submits that though number of cases have been filed against the petitioner, he got acquittal in all those cases. In one case pending in P.R.C.No.3 of 2010 before the learned Judicial Magistrate II, Dindigul, the petitioner has filed a petition in Crl.O.P.(MD)No.7665 of 2011 before this Court to quash the said proceedings and it was admitted, the proceedings were stayed and the petitioner's appearance was also dispensed with. While so, the petitioner wants to go to Malaysia and other countries. The petitioner had been invited by the organization



viz., "Persatuan Theventhira Mallar Malayais" to attend their meeting as the Chief Guest. The petitioner's passport has also expired. Though the petitioner applied for renewal of the passport, it is kept pending and it has not been renewed by the passport authorities, since criminal cases are pending against the petitioner. In the said circumstances, the petitioner seeks permission of this Court to go abroad and if the petitioner is permitted to go abroad, then it may enable the petitioner to get the renewal of the passport.

4. The learned counsel for the petitioner submitted that the petitioner wants to go abroad only for a period of three weeks and after return, he is ready to surrender his passport before the trial Court.

5. Mr.A.P.Balasubramani, the learned Government Advocate (Crl. Side) appearing for the respondents strongly objected by saying that the petitioner may abscond and further submitted that apart from the case in P.R.C.No.3 of 2010 before the learned Judicial Magistrate No.II, Dindigul, one another case has also been registered against him by the Sempatti Police Station in Crime No.304 of 2011 for the offences under Sections 147, 148, 324, 307 and 149 I.P.C. r/w Section 3(1) and 5 of TNPPDL Act, 1992 and 109 I.P.C. and in that case also, final report has been filed showing the petitioner as 'abscond'. He further submitted that he has not given the date on which he wants to go abroad and he has also not given the dates on which, the meeting is organised in Malaysia.

6. This Court Considers the submissions made on either side and perused the records available on record. Of course, several cases are pending against the petitioner, all those cases have come to an end. Now, at present, according to the prosecution, only two cases are pending against him. One case is pending before the learned Judicial Magistrate No.II, Dindigul in P.R.C.No.3 of 2010 and that case has not been committed to Sessions. With regard to another case, though final report has been filed, according to the prosecution, it had not been taken on file by the learned Judicial Magistrate. The petitioner wants to go abroad only for a short period of three weeks. This Court is of the view that no prejudice would be caused to the prosecution by permitting the petitioner to go abroad and the apprehension of the prosecution, the petitioner may abscond is also baseless.

7. In the said circumstances, the petitioner is permitted to go abroad *** and return before the end of January 2016.** Before leaving India, the petitioner shall appear before the learned Judicial Magistrate No.II, Dindigul and file an affidavit with regard to the date on which he is leaving India and the date before which he would return to India and further he may give the details of the programmes to the extent possible. Further, the petitioner is directed to appear before the trial Court on the next date of hearing without fail, failing which, the petitioner's future request for travel to abroad could not be considered, till the disposal of pending cases.



8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Per.Admin)

***Corrected as per order of this Hon'ble
Court dated 30.11.2015 in
CRL OP(MD) No.21561 of 2015**

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To

TO BE SUBSTITUTED ORDER COPY ALREADY DISPATCHED

- 1.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
- 2.The Judicial Magistrate No.II,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+one cc to M/s.R.Anand, Advocate in SR.NO.68292

CSL/NGM-SS/24.11.2015

3P/5C

TS/01.12.2015/2P-5C/ SK-SKN/SAR - II

**Crl.O.P. (MD) No.21561 of 2015
17.11.2015**