

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.17489 of 2015

His Holiness Kasiviswanatha Pandara Sannidhi

.. Petitioner

.. Vs ..

State Rep. by
Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.
(Crime No.475 of 2002)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Principal Assistant Sessions Judge, Mayiladuthurai, Nagapattinam District, to return the petitioner's passport bearing No.B 5186677 issued by the Regional Passport Officer, Trichy, seized in connection with S.C.No.286 of 2002 in Crime No.475 of 2002 on the file of the respondent police or issue an appropriate certificate.

For Petitioner : Mr.R.Shanmugha Sundaram, Senior Counsel
for M/s.L.Baskaran and A.Gopinath

For Respondent : Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the learned Principal Assistant Sessions Judge, Mayiladuthurai, Nagapattinam District, to return the petitioner's passport bearing No.B 5186677 issued by the Regional Passport Officer, Trichy, seized in connection with S.C.No.286 of 2002 in Crime No.475 of 2002 on the file of the respondent police or issue an appropriate certificate.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned Senior Counsel appearing for the petitioner submitted that the petitioner, who is an accused in S.C.No.286 of 2002, was convicted by the learned Principal Assistant Sessions

Judge, Mayiladuthurai, Nagapattinam District, and as against the conviction and sentence passed by the learned trial Judge, CrI.A.No.4 of 2004 has been preferred by the petitioner before the learned Principal Sessions Judge, Nagapattinam. The learned Principal Sessions Judge, Nagapattinam, confirmed the conviction and sentence passed by the learned trial Judge. As against the same, the petitioner preferred a Criminal Revision Case No.1252 of 2005, which was allowed by this Court on 01.08.2011 and the petitioner was acquitted from the charges levelled against him. The learned Senior Counsel further submitted that at the time of investigation, the passport of the petitioner has been seized by the Investigating Authority in connection with S.C.No.286 of 2002 in Crime No.475 of 2002 and that has been found place in the trial Court. Since the petitioner was acquitted from the charges levelled against him, the petitioner has come forward with this petition for the above stated relief.

4. On a perusal of the records, it is seen that a report has been received from the learned District Judge, Nagapattinam, which shows that the Passport bearing No.B5186677 is available with the case records in S.C.No.286 of 2002 and the same is kept in the Record Branch of the Principal Subordinate Court, Mayiladuthurai. So, it is a fit case to issue a direction to the learned Principal Assistant Sessions Judge, Mayiladuthurai, Nagapattinam District, to hand over the passport bearing No.B5186677 to the petitioner, after obtaining necessary acknowledgement.

5. This Criminal Original Petition is ordered accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Jrl
To

1. The Principal Assistant Sessions Judge,
Mayiladuthurai, Nagapattinam District.
2. The Inspector of Police, Kuthalam Police Station,
Nagapattinam District.
3. The Public Prosecutor, High Court, Madras.
+ 1 cc to M/s.L.Baskaran, Advocate Sr 6252 (26/2/16)

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BVR (CO)

RVR 12/02/2016