

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

(Orders Reserved on : 04.07.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.18 of 2016

R.Subramanian ... Petitioner/4th Accused

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
E.O.W.II, Guindy, Chennai.
2. Viswapriya Investors Welfare Association,
A Registered Association,
Represented by its Joint Secretary,
Mrs.Haripriya Ramachandran,
No.17, 4th Cross Street, Indira Nagar,
Adyar, Chennai - 600 020. ... Respondents

(R.2 impleaded as per order of this Court dated 23.06.2016 in Crl.M.P.No.1917 of 2016 in Crl.R.C.No.18 of 2016)

Prayer: Criminal Revision Case filed under Section 397 r/w. 401 of the Code of Criminal Procedure, praying to set aside the order dated 18.11.2015 passed by the learned Special Judge for TNPID Cases, Chennai, in Crl.M.P.No.1474 of 2015 in Cr.No.5 of 2013 on the file of the respondent herein in so far as the imposition of the conditions is concerned.

For Petitioner : Mr.Prakash Goklaney
For R-1 : Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)
For R-2 : No Appearance
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ORDER

This Criminal Revision Case is directed against the order dated 18.11.2015 passed by the learned Special Judge for TNPID Act Cases, Chennai, in Crl.M.P.No.1474 of 2015 in Cr.No.5 of 2013 on the file of the respondent herein, allowing the

petition filed for return of passports and imposing a condition directing the petitioner to submit his undertaking that he would inform the Court before his departure for abroad and also after his return to India within a week from the date of his arrival.

2. The learned counsel appearing for the petitioner would contend that the learned Special Judge ought to have ordered the return of the passport without any condition. But the trial Court erred in giving direction to return the passport by imposing condition. Hence, the order passed by the trial Court may be set aside and the criminal revision case may be allowed.

3. The learned Government Advocate (Crl.side) vehemently contended that the trial Court, considering the facts and circumstances of the case, ordered to return the passport to the petitioner, but imposed a condition only to submit his undertaking that he would inform the Court before his departure for abroad and also after his return to India within a week from the date of his arrival. The petitioner will not be prejudiced in the above said condition. There is no infirmity or illegality in the order passed by the trial Court and hence, the learned Government Advocate prayed that the Criminal Revision Case may be dismissed.

4. When the matter is taken up for hearing, there is no representation on behalf of the second respondent. This Court considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent.

5. In this case, on the petition filed by the petitioner, the trial Court ordered for return of the passport, but imposed a condition directing the petitioner to submit his undertaking that he would inform the Court before his departure for abroad and also after his return to India within a week from the date of his arrival. Only to set aside the above said order, the present criminal revision case is filed by the petitioner. In this case, trial of the petitioner/A.4 is pending in the trial Court. In view of the above facts and circumstances of the case, the appearance of the petitioner/fourth accused for trial is necessary. Hence, imposition of such condition while returning the passport do not held to be unreasonable. The trial Court only directed the petitioner to inform the departure from this Country and also his arrival to India. The trial Court has not restricted the present petitioner from going out of India or arrival to India.

6. In view of the above facts and circumstances of the case, the order of the trial Court cannot be held to be

unreasonable. Since the trial is pending in the trial Court, the above said order cannot be unreasonable or illegal. In view of the above facts and circumstances, this Court does not find any reason to interfere with the order passed by the learned Special Judge under TNPID Act Cases, Chennai, in CrI.M.P.No.1474 of 2015, which do not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Special Judge for TNPID Cases,
Chennai 104.
2. The Inspector of Police,
The State of Tamil Nadu,
E.O.W.II,
Guindy, Chennai.
3. The Public Prosecutor,
High Court, Madras.

Copy to:
The Section Officer,
Criminal Section,
High Court Madras.

- 1 cc to Mr.R.Swaminathan, Advocate, sr.45998
2 ccs to Mr.Prakash Goklaney, Advocate, sr.46340

ak co
kra 31.08.2016

CrI.R.C.No.18 of 2016

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