

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Criminal Revision Case No.865 of 2016

Liza Satheesan

... Petitioner

vs.

State, by

The Inspector of Police,

Central Bureau of Investigation,

ACB,

III Floor, Shastri Bhavani,

No.26, Haddows Road,

Nungambakkam, Chennai-6.

... Respondent

Criminal revision petition has been filed to set aside the order of the learned Principal Special Judge for CBI Cases - VIII Additional City Civil Court at Chennai dated 4.5.2016 modifying the order dated 4.5.2016 in CrI.M.P.No.2068 of 2016 in CrI.M.P.No.1356 of 2016 (RC MA1 2013 A 0027) and direct the return of the passport of the petitioner.

For Petitioner:Mr.Hari Radhakrishnan

For Respondent:Mr.K.Srinivasan,

Spl. Public Prosecutor for CBI cases

ORDER

The present criminal revision petition has been filed to set aside the order of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court at Chennai, dated 4.5.2016 modifying the order dated 4.5.2016 in CrI.M.P.No.2068 of 2016 in CrI.M.P.No.1356 of 2016 (RC MA1 2013 A 0027) and direct the return of the passport of the petitioner.

2. It is the case of the petitioner that she was arrested by the respondent police on 15.12.2014. Subsequently, she filed a petition before the trial Court seeking bail and the trial Court, vide order dated 26.12.2014, in CrI.M.P.No.7201 of 2014, granted bail to the petitioner by imposing certain conditions. One of the conditions was that the petitioner shall

surrender her passport, if any, before the trial Court. As per the said condition, she surrendered her passport before the trial Court. Subsequently, the petitioner filed a petition to return her passport and the same was allowed by the trial Court vide order dated 21.4.2015 in Crl.M.P.No.2742 of 2015 in Crl.M.P.No.7201 of 2014 with the following conditions:-

" On every occasion of the petitioner travelling abroad, she shall file an affidavit informing her address for contact as also the contact telephone / cellphone number while abroad and also undertake to appear before this Court as and when required; and on return from abroad, she shall report the same by filing an affidavit before this Court on every occasion. On an undertaking for such compliance, the petitioner's passport shall be returned to her".

3. It is the further case of the petitioner that she is engaged in the business of doing the customs clearance work. Due to her incarceration, she has lost her business and valuable clients. Now, she is looking for new venture in the business of import and export, apart from doing the customs clearance work and for the said purpose, it is just and necessary that she has to undertake travel both national and international to get business and to enter into various contracts, sign agreements. Further, the respondent police has already completed the investigation. Hence, the petitioner filed a petition in Crl.M.P.No.1356 of 2016 before the trial Court for return of the passport and the trial Court, by order dated 28.3.2016, ordered for return of the passport on the following conditions:-

(i) The petitioner shall not leave the country without obtaining prior permission from this Court by filing a necessary affidavit with place of the trip and period.

(ii) The petitioner shall execute a bond for a sum of Rs.2,00,000/- in the form of fixed deposit receipt, with own surety for a like sum to the satisfaction of this Court.

(iii) After returning from abroad, she is entitled to get back her fixed deposit after surrendering the passport before this Court.

Thereafter, the petitioner moved another petition before the trial Court in Crl.M.P.No.2068 of 2016 in Crl.M.P.No.1356 of 2016 seeking modification of the said order and the trial Court has passed the following order:-

"In the result, this petition is allowed and the condition imposed in CrI.M.P.No.1356 of 2016 dated 28.3.2016 is modified and the petitioner shall execute a bond for a sum of Rs.75,000/- (Rupees seventy five thousand only), in the form of fixed deposit receipt with own surety for a like sum to the satisfaction of this Court".

Aggrieved over the said order, the present criminal revision has been filed.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that this Court in M.P.No.2 of 2015 in CrI.O.P.No.33605 of 2014, had already passed an order dated 15.4.2015 with regard to return of passport of the petitioner's husband and it would suffice, if the same order is passed in this petition also.

5. I have heard the learned Special Public Prosecutor for CBI Cases appearing for the respondent.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court set aside the order of the learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court at Chennai, dated 4.5.2016 made in CrI.M.P.No.2068 of 2016 in CrI.M.P.No.1356 of 2016 (RC MA1 2013 A 0027) and consequently, passes the following order:-

" On every occasion of the petitioner travelling abroad, she shall file an affidavit informing her address for contact as also the contact telephone / cellphone number while abroad and also undertake to appear before the Court below as and when required; and on return from abroad, she shall report the same by filing an affidavit before the Court below on every occasion. On such compliance, the petitioner's passport shall be returned to her by the Court below".

The criminal revision petition is ordered accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Principal Special Judge for CBI Cases,
VIII Additional City Civil Court,
Chennai.

2.The Inspector of Police,
Central Bureau of Investigation,
ACB,
III Floor, Shastri Bhavani,
No.26, Haddows Road,
Nungambakkam, Chennai-6.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Hari Radhakrishnan, Advocate, S.R.No.38085

KGK(CO)
EU(04/08/2016)

CrI.R.C.No.865 of 2016



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