



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL MP (MD) No.3222 of 2016

IN

CRL OP (MD) No.1456 of 2016

ANDIYAPPAN @ RAJASEKAR

... PETITIONER/PETITIONER

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

AVUDAIYAR KOVIL POLICE STATION,

PUDUKKOTTAI DISTRICT,

CR NO. 3 OF 2015.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed by this Honourable Court in Crl.O.P. (MD) No. 1456 of 2016 dated 29.01.2016 and consequently order the return of the Petitioners passport No. L3899552 to the petitioner as interim custody for the Period of 45 days pertaining to Crime No. 3 of 2015 on the file of the Respondent police and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S ANTONY S.PRABAHAR, Advocate for the petitioner and of Mr.C.Mayil Vahana Rajendran, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition is filed to modify the condition imposed by this court in Crl.O.P(MD)No.1456 of 2016, dated 29.01.2016 and to return Passport No.L3899552 to the petitioner as interim custody for the period of 45 days pertaining to Crime No.3 of 2015 on the file of the respondent police.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) for the respondent and perused the materials available on record.

3.It is seen from the records that the petitioner was granted anticipatory by this court on 29.01.2016 subject to the following conditions:-

"(a)The petitioner shall report before the concerned court daily at 10. 30 a.m until further orders.



(b)The petitioner shall not temper with evidence or witness either during investigation or trial.

(c)The petitioner shall not abscond either during investigation or trial.

WEB COPY

(d)If the petitioner is having a Passport, he is directed to produce the same before the Court concerned.

4.It is an admitted fact that the petitioner is having Passport and he is only doing business in Singapore and Malaysia and since, he is having a Passport, he was directed to surrender his passport before the court concerned. However, the petitioner has filed the application to direct the court concerned to return his passport to him.

5.It is also seen from the records that the committal proceedings have not yet been completed by the court below for want of forensic report. Under these circumstances, this court has directed the respondent police to obtain the forensic report from the Forensic Science Department and represent the same before the learned Judicial Magistrate, Aranthangi as expeditiously as possible and the petitioner was also given liberty to renew his prayer after the case is committed to the Court of Sessions.

6.In view of the above facts, this court is of the considered view that since the petitioner's request for return of his passport has already been considered and rejected by this court on 15.03.2016 and after that, there is no change of circumstances. Hence, the prayer sought for by the petitioner cannot be granted and accordingly, this petition is dismissed.

sd/-

20/04/2016

/ TRUE COPY /

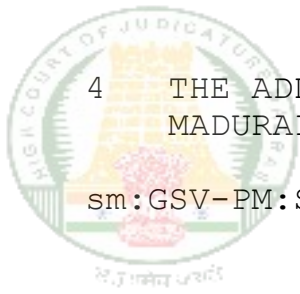
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI

3 THE SUB INSPECTOR OF POLICE
AVUDAIYAR KOVIL POLICE STATION,
PUDUKOTTAI DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

sm:GSV-PM:SAR I:02.5.2016:3p/5C

WEB COPY

ORDER

IN

CRL MP (MD) No.3222 of 2016

IN

CRL OP (MD) No.1456 of 2016

Date :20/04/2016