



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.6461 of 2016

and

Crl.M.P. (MD) No.3218 of 2016

N.Chandra Babu

... Petitioner/Accused

vs.

State rep. through
The Inspector of Police
Palakarai Police Station
Trichy, Trichy District

... Respondent/Complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records relating to the order passed in D.No.536/16 in C.C.No.21 of 2015, dated 23.03.2016, passed by the Judicial Magistrate No.V, Trichy and set aside the same.

For Petitioner : Mr.K.Samidurai

For Respondent : Mrs.S.Prabha, G.A. (Crl.Side)

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking set aside of the Order, dated 23.03.2016, passed in D.No.536 of 2016 in C.C.No.21 of 2015, by the learned Judicial Magistrate No.V, Trichy.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. On 20.04.2016, when this matter came up for hearing, this Court has passed the following Order:

On a complaint lodged by one Syed Shahul Hameed, the respondent police registered a case in Crime No.319/2013 on 04.06.2013 under Sections 120(b), 418, 463, 468 and 506(i) IPC and after completing the investigation, they have filed a final report in



C.C.No.21 of 2015 before the Judicial Magistrate No.V, Trichy and the trial is in progress. While so, it appears that the Passport Authorities had issued a show cause notice to the petitioner calling upon him to submit his passport, pursuant to which, the petitioner has handed over his passport to the Passport Authorities. Since the Passport Authorities were retaining the Passport for indefinite period of time, the petitioner has filed an application in CrI.M.P.No.125 of 2016 in C.C.No.21 of 2015 for a direction to the Passport Authorities and the police to hand over the passport to the Court, presumably, under Sections 451 and 457 of the Code of Criminal Procedure. It appears that the Judicial Magistrate, No.V, Trichy directed the Passport Authorities to hand over the passport to the Court and in compliance with the order passed by the Judicial Magistrate, the Regional Passport Officer has handed over the passport of the petitioner to the Inspector of Police, Palakarai Police Station on 18.01.2016, who, in turn, handed over the passport to the Judicial Magistrate, NO.V, Trichy. Thereafter the Judicial Magistrate has handed over the passport to the petitioner.

2. The Passport Officer, Trichy has sent a communication dated 11.03.2016 to the Judicial Magistrate, No.V, Trichy, wherein, it is stated as follows:

"As directed by the Hon'ble Judicial Magistrate NO.5 Court, Trichirappalli, the original passport No.Z2971459 issued to Shri.N.Chandra Babu S/o.Narayanan has been handed over to the Inspector of Police, Palakarai on 18.01.2016. In this regard, the Sub Inspector of Palakarai had submitted the acknowledgement duly signed by the Head Clerk, Judicial Magistrate No.V Court, Tiruchirappalli on 07.03.2016 (copy enclosed).

2. After the completion of the judicial process, the original passport has to be returned to the applicant (petitioner) through the Passport Issuing Authority for completing the formalities, consequent upon receipt of adverse police verification report received from the Commissioner of Police, Trichy. It is therefore, humbly requested that passport may please be returned to the Passport Office, Trichy after completion of judicial process."

<https://hcservices.ecourts.gov.in/hcservices/> In view of the above said communication, the Judicial Magistrate has sent a communication dated 16.03.2016 to the petitioner asking him to re-deposit



the passport before the Court, challenging which, the petitioner is before this Court.

4. Mr.K.Samidurai, learned counsel for the petitioner, fairly stated that that the petitioner has gone abroad. He shall come back on 23.04.2016 and resubmit the passport on 25.04.2016.

5. Accepting the said submission, the matter is adjourned to 26.04.2016, so that the petitioner resubmit the passport to the Judicial Magistrate, No.V, Trichy on 25.04.2016 and report compliance before this Court on 26.04.2016.

6. Post on 26.04.2016 for orders and reporting compliance.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner has complied with the Order, dated 20.04.2016, by handing over the Passport to the learned Judicial Magistrate No.V, Trichy.

5. Recording the submissions of the learned counsel for the petitioner, this criminal original petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.V,
Trichy.
2. The Inspector of Police,
Palakarai Police Station,
Trichy, Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Samidurai, Advocate, Sr.No.24778

krk

JM/SS/12.05.2016/3P-5C