



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD)No.9711 of 2016

S.Jeyapaul

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.

2. The Superintendent of Police,
Madurai District.

3.The Regional Passport Officer,
Kotchadai,
Madurai.

4.The Immigration Officer,
Madurai Airport,
Madurai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents to permit the petitioner to visit Srilanka from 20.06.2016 to 20.09.2016 and further direct the respondents 3 and 4 to return the passport of the petitioner bearing No.L.5474071 and permit him to allow the petitioner to travel to Srilanka.

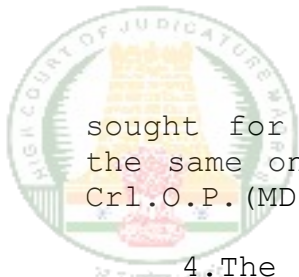
For Petitioner : Mr.S.Mahalingam
For Respondents 1 & 2 : Mr.K.V.Rajarajan,
Government Advocate (Crl.side)

ORDER

This petition has been filed by the petitioner seeking a direction to the third and fourth respondents to return the petitioner's passport and to permit him to travel to Srilanka.

2.Heard the learned counsel for the petitioner and learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2. In view of the limited relief sought for by the petitioner, this Court is of the view that notice need not be sent to the respondents 3 and 4.

3.The learned counsel for the petitioner would submit that admittedly, the investigation is over and therefore, the petitioner cannot be forced to stay here, since he wants to visit Srilanka for business purpose. He would further submit that when the petitioner



sought for similar relief on earlier occasions, this Court has granted the same on 24.06.2015 and 18.08.2015 in Crl.O.P.(MD).Nos.10172/2015 and Crl.O.P.(MD).No.15738/2015 respectively.

4.The learned Government Advocate (Criminal side) would submit that the final report filed by the first respondent against the petitioner and others in Crime No.7 of 2014 has been taken on file by the Court below and now NBW is pending against the sixth accused.

5. Considering the submission of the learned Government Advocate that NBW is pending against the sixth accused, this Court is of the view that the trial is not likely to commence in the near future. Further, there is no order to impound the passport. Even for impounding, a time limit has been fixed under the Passports Act,1967. In this case, admittedly, there is no order for impounding at all. Hence, this Court is of the view that the passport will have to be returned to the petitioner.

6. Accordingly, a direction is issued to the third respondent to return the passport to the petitioner within a period of one week. The petitioner is directed to appear before the third respondent and to produce the copy of this order. On receipt of the order, the third respondent shall return the Passport to the petitioner.

7. The petitioner will have to report to the trial court after his return without fail and co-operate for speedy trial. The permission given to the petitioner is only from 26.06.2016 to 20.09.2016. He has to surrender the passport to the third respondent after returning from Srilanka.

8. This Criminal Original Petition is disposed of with the above direction.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

1. The Inspector of Police, All Women Police Station, Melur, Madurai District.
2. The Superintendent of Police, Madurai District.
3. The Regional Passport Officer, Kotchadai, Madurai.
4. The Immigration Officer, Madurai Airport, Madurai.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to M/S. S.Mahalingam, Advocate, SR.No. 32815

Crl.O.P.(MD)No.9711 of 2016
24.06.2016