



5.I have considered their rival submissions, perused the impugned order and the materials on record.

6.Passport is a licence to go abroad. Constitution ensures that a citizen is entitled to move anywhere he likes. It is enshrined in Article 19 of the Constitution of India. But one cannot go abroad without a passport. Every individual has right to hold his passport. (See *MENAKA GANDHI v. UNION OF INDIA* [1978 AIR 597]). In *SURESH NANDA* (supra) it has been held that impounding of passport would be only by Passport Authorities under the Passport Act. It has been further held that a person can challenge such impounding of passport under Article 226 of the Constitution of India.

7.Criminal Courts are very much concerned with the availability of accused for investigation purposes, trial, post-trial purposes - serving the sentence. In order to see that the accused shall not flee away from the country the passport is seized by the investigation agency.

8.A person may need the passport for renewal. Sometime he may have need to go abroad to participate in a marriage function, even to eke out his livelihood and to see his ailing friends and relatives. Because a person is involved in criminal case, he cannot be denude of his basic human rights. On the one side he has to face the trial and on the other side he has to go abroad when the necessity arises.

9.Courts have come to a new concept, that if the accused satisfies that he has roots in the Society, like keeping his family in India, holding ration card. The Court should be satisfied that the accused will return to the country and the purpose for which the passport is asked for is a genuine one. In such circumstances, if the Court feels that if the reasons stated by the accused is genuine it can return the passport with a direction to return the same on his returning to the country. If the person so satisfies the Court, he can be given passport for a limited period prescribing certain terms and conditions even with sureties.

10.The learned Special Public Prosecutor for CBI cases submitted that the petitioner is a frequent traveller and indulged in smuggling and if the passports are returned he will do the same. But this cannot be a ground to return the passport. As I have already stated if the accused satisfy the Court, he can very well move the Court for the return of the passport.

11.In view of the above, this Criminal Revision is dismissed with liberty to the petitioner to move the Court for return of passport. In such circumstances, the Court below will follow the guidelines available in the order and pass order according to law.

Sd/-

Assistant Registrar(CS-I)



To:

1. The Additional District/Special Judge for CBI Cases,
Madurai.

WEB COPY

2. The Special Public Prosecutor for CBI Case,
Madurai.

3. The Inspector of Police,
C.B.I., A.C.B.,
Chennai.

+One cc to Mr.A.Thiruvadikumar, Advocate, SR.No.28164

sj

RL/5C/2P/PEK/SARI/14/6/2016

C.R.L.RC (MD) No.318 of 2016
06/06/2016