



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON 02.11.2016
ORDERS PRONOUNCED ON 17.11.2016

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CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.658 of 2016

V.Krishnaram : Petitioner / Accused

Vs.

State Rep.by
The Inspector of Police,
Economic Offence,
Thanjavur : Respondent / Complainant

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to set aside the order passed by the Court of Additional Chief Judicial Magistrate, Kumbakonam, in Cr.M.P.No.288 of 2016, dated 05.07.2016 in respect of non-mentioning of the period of time for permission to re-issue / renewal of Passport of the petitioner and grant permission to the petitioner to renew / re-issue of his passport for the maximum period of ten years.

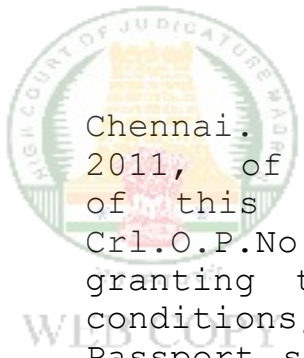
For Petitioner :Mr.B.Saravanan
For Respondent :Mr.P.Kandasamy
Government Advocate(Crl. Side)

O R D E R

This Criminal Revision Case has been filed praying to set aside the order passed by the Court of Additional Chief Judicial Magistrate, Kumbakonam, in Cr.M.P.No.288 of 2016, dated 05.07.2016, in respect of non-mentioning of the period of time for permission to re-issue / renewal of Passport of the petitioner and grant permission to the petitioner to renew / re-issue of his passport, for the maximum period of ten years.

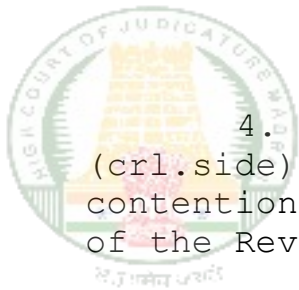
2. The short facts of the case, which are relevant for the purpose of deciding this Revision, are as follows:

The Revision Petitioner is the A3 in C.C.No.20 of 2003, pending on the file of the Learned Additional Chief Judicial Magistrate, Kumbakonam. The petitioner herein is facing two other cases in C.C.No.6546 of 2015 and C.C.No.3281 of 2015, pending before the Court of Chief Metropolitan Magistrate, Allikulam,



Chennai. The petitioner, who is an accused in Crime No.52 of 2011, of EOW-II, Anna Nagar, Chennai, moved the Principal Bench of this Court, by filing Anticipatory Bail application in CrI.O.P.No.22962 of 2011 and the same was ordered on 30.09.2011 granting the relief of anticipatory bail, subject to certain conditions, directing the petitioner, who is in possession of the Passport shall surrender the same in Crime No.52 of 2011, on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai. After compliance of the said conditions, the petitioner has filed CrI.M.P.No.1 of 2011 in CrI.O.P.No.22962 of 2011, before the Principal Bench of this Court, for modification of the above said condition and the same was allowed on 01.12.2011, modifying the above condition, by directing the XI Metropolitan Magistrate, Saidapet, Chennai, to return the Passport to the petitioner subject to the conditions, in respect of his travel and return from abroad.

3. Mr.B.Saravanan, the counsel appearing for the Revision Petitioner would submit that after receipt of the Passport, the petitioner applied for renewal / re-issue of Passport, bearing No.Z-3362116, since his Passport has been issued on 10.09.2015 and expires on 09.09.2016. It is further stated that the Regional Passport Officer issued a letter, dated 26.07.2016, asking the petitioner to obtain permission from the trial Court, since there are three criminal cases pending in C.C.No.6546 of 2015 and C.C.No.3281 of 2015, before the Chief Metropolitan Magistrate, Egmore, Chennai and C.C.No.20 of 2003, before the Additional Chief Judicial Magistrate Court, Kumbakonam, as disclosed by the petitioner. Hence, the petitioner filed CrI.M.P.No.288 of 2016 in C.C.No.20 of 2003, pending on the file of Additional Chief Judicial Magistrate Court, Kumbakonam, for granting permission for re-issue / renewal of his Passport. The learned counsel further submitted that the learned Additional Chief Judicial Magistrate Court, Kumbakonam, considered the fact that the petitioner, being the Chief Executive Officer of Tyre manufacturing Company, has to frequently travel abroad, for the promotion of the business of the Company and also considering the fact that similar permission has been granted by another competent Court, before which, two other criminal cases are pending against the petitioner, granted permission to the petitioner for the reissue and renewal of his Passport bearing No.Z3362116, subject to the conditions imposed by the Principal Bench of this Court in CrI.M.P.No.1 of 2011 in CrI.O.P.No.22962 of 2011, dated 01.12.2011 and also directed the petitioner to file a copy of the renewal order before that Court, within 15 days of such renewal. Therefore, the petitioner has filed this Revision to set aside the impugned order of the trial Court, dated 05.07.2016, since the same has been passed, without specifying the period for which the Passport could be renewed.



4. Mr.P.Kandasamy, the learned Government Advocate (crl.side) appearing for the respondent reiterates the very same contention raised before the trial Court and prayed for dismissal of the Revision.

5. The Court heard the rival submissions made on either side and also perused the materials available on record, including the grounds mentioned in this Revision.

6. It is admitted that the Notification of Ministry of External Affairs, dated 25.08.1993 issued in exercise of powers under Section 22(A) of Passport Act, 1967 provides that the Passport shall be issued for the period specified in the order of the Court, if the Court specifies a period for which Passport has to be issued and if no period is specified in the order, the Passport shall be issued for a period of one year. It is not disputed that similar application seeking permission before the concerned Court in C.C.No.6546 of 2015 and C.C.No.3281 of 2015 had granted the relief to re-issue and renewal of Passport of the petitioner with certain conditions. It is not clear whether the said Court had specified or mentioned the period for renewal of Passport for granting permission. The petitioner has not chosen to file the order of permission granted in the above cases to prove the fact that the said permission was granted mentioning the period, as specified in this application for renewal / re-issue of the Passport.

7. The petitioner admitted in para 4 of the affidavit in CrI.M.P.No.288 of 2016 that his Passport bearing Registration No.Z3362116, issued on 10.09.2015 and expires on 09.09.2016. The petitioner has not given any explanation why the said Passport was issued for one year. It is pertinent to note that the said Passport was issued on 10.09.2015, during pendency of the criminal cases, pending in different Courts. Though the petitioner mentioned the maximum period of 10 years for renewal in para 5 of the said affidavit, he failed to mention the period in the prayer column of the affidavit and the petition. The trial Court has not considered the period for renewal in its order. There is no mentioning in the order about the period, if any, for re-issue / renewal of Passport in similar permission granted by another competent Court. There is no findings at all by the trial Court in its order, in respect of the period of renewal / re-issue of the Passport, as sought for in the affidavit of the petitioner herein. In the above said circumstances, this Court is inclined to allow the Revision Petition.

8. In the result, this Criminal Revision Case is allowed by setting aside the order passed by the learned Additional Chief Judicial Magistrate, Kumbakonam, in Cr.M.P.No.288 of 2016, dated 05.07.2016 and remanded the matter for fresh disposal, regarding



the period of renewal for 10 years, as sought for in this petition. The learned Additional Chief Judicial Magistrate, Kumbakonam, is directed to pass orders afresh, on merits and in accordance with law, after hearing both sides.

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Sd/-
Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

- 1.The Additional Chief Judicial Magistrate,
Kumbakonam.
- 2.The Inspector of Police,
Economic Offences,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Saravanan, Advocate SR.No.70326

mpk

sm:ss 3:07/12/2016:4P/5C

Order made in
Crl.RC(MD)No.658 of 2016
Dated:-
17.11.2016