

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated: 21.11.2017

Coram:

The Hon'ble Dr.Justice G.Jayachandran

Crl.R.C.No.1460 of 2017

R.Janarthanan .. Petitioner
/versus/
The State Rep.by its
Inspector of Police,
CBI/ACB/Chennai
R.C.No.36A/2017/CBI ACB .. Respondent

Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records pertaining to the impugned order passed by the II Additional District Court for CBI Cases at Coimbatore in C.M.P.No.480 of 2017 in C.C.No.12 of 2010 and set aside the same and consequently, direct the II Additional District Court for CBI Cases at Coimbatore to return the passport bearing No.G0651038.

For Petitioner :Mr.A.Mohamed Ismail
For Respondent :Mr.K.Srinivasan, Spl.PP for CBI Cases

O R D E R

This revision is directed against the order passed by the trial Court dismissing the application in C.M.P.No.480 of 2017 in C.C.No.12 of 2010 filed by the petitioner herein seeking return of his passport bearing No.G0651038 for renewal and travel abroad.

2. The petitioner herein is the 15th accused in C.C.No.12 of 2010. His passport bearing No.G0651038 has been seized by the respondent-police and it is a part of the document relied on by the prosecution. The passport was seized and produced before the trial Court as early as on 15.09.2010, after lapse of seven years, the petitioner herein has sought for return of his passport. When the matter is ripe for trial and witnesses are summoned to be examined.

3. The prosecution has opposed the application in C.M.P.No.480 of 2017 and the same has been accepted by the trial Court. The reason stated by the trial Court for dismissing the petitioner is as under:-

If the passport of the petitioner is
one of the prosecution document and if it is

returned to the petitioner, there is every possibility of the petitioner flee away to foreign country which will derail the trial Court.

4. In this petition, the petitioner states that he being a businessman, travelling abroad is necessary for his livelihood and therefore, it is essential his passport bearing No.G0651038 is to be renewed and he must be permitted to go abroad.

5. The learned Special Public Prosecutor for CBI cases submits that the petitioner is involved in duty draw back fraud undermining the economy of the country. He has wide connection across the country. Therefore, if his passport is returned and renewed, there is possibility of fleeing away from clutches of law and it will be very difficult to secure him.

6. Considering the submissions made by the learned counsel appearing for the petitioner and the learned Special Public Prosecutor for CBI Cases, this Court pass the following order:

(i) The trial Court is directed to return the passport bearing No.G0651038 to the petitioner for the purpose of renewal alone, after obtaining an undertaking that he will submit back the passport soon after it is renewed and he shall not travel abroad by using the renewed passport, without getting leave from the trial Court.

(ii) The petitioner shall re-submit the passport within a period of 45 days from the date of receiving the passport from the trial Court.

(iii) This order shall not stand in the way of the Passport Authority in exercising his discretion whether his passport shall be renewed or not.

(iv) In case, the petitioner wants to leave the country for any reasonable cause, he is at liberty to file an application stating to which country he wants to travel; purpose of his visit, date of leaving India and date of his return to India.

(v) The trial Court shall take appropriate decision, if such application is filed by the petitioner.

7. With this conditions, this Criminal Revision Case is ordered.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ari

To

1.The II Additional District Court for CBI Cases, Coimbatore.

2. The Inspector of Police, CBI/ACB/Chennai
R.C.No.36A/2017/CBI ACB.

3.The Special Public Prosecutor for CBI Cases, High Court,
Madras.

+1cc to Mr.A.Mohamed Ismail, Advocate in sr.no.82724

Crl.R.C.No.1460 of 2017

NR 05/12/2017



WEB COPY