

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 08.08.2017****CORAM****THE HONOURABLE MR. JUSTICE R. SURESH KUMAR****Crl.R.C.No.769 of 2017**

S.Ravi

... Petitioner

Vs.

State rep by
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of Learned I Additional City Civil Judge at Chennai in Crl.M.P.No.19862 of 2016 dated 15.03.2017 and return the original passport bearing No.M-8471659 to the petitioner.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor**ORDER**

The Revision has been filed against the order passed by the learned I Additional City Civil Judge, Chennai in Crl.M.P.No.19862 of 2016 in SC.No. 278 of 2016 dated 15.03.2017.

2.The petitioner is the Accused/A1 in SC.No.278 of 2016 on

the file of the said Court where charges have been laid against the petitioner and the other accused persons for the alleged offences under Sections 147, 341, 307, and 302 of IPC.

3. During the investigation, the petitioner's passport bearing No.M-8471659, was seized by the Investigating Officer and charge sheet was filed on 14.06.2016. The petitioner had moved before the trial Court with the above petition for returning of passport under Section 451 of Cr.P.C. The said petition was heard and after hearing both sides, the learned Judge has rejected the said application by citing the reason that since the trial is pending for framing of charges and if the passport of the petitioner is returned, the petitioner may abscond from the clutches of law and in that case, even there would be a possibility to go to other country and hence, it would be very difficult to conduct the trial. Therefore, on that reason, the said application was rejected as against which the present Revision has been filed.

4. I have heard, the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that, he had made the said application for returning of passport, on the ground that the petitioner wanted to go abroad along with two female children of the petitioner for vacation. When

it was pointed out by the learned counsel appearing for the petitioner that the said vacation was over and therefore, there is no necessity to seek for return of passport for the said purpose to go abroad for vacation with his children, it was replied that the learned counsel appearing for the petitioner that apart from the vacation trip, the petitioner since he is a fish exporter, he has to undertake foreign trip for his business connection.

6.However, the learned Additional Public Prosecutor has made his submissions stating that the case was posted for framing of charges on 26.02.2017 and after having framed the charges, it has been posted for examination of witnesses by tomorrow i.e., on 09.08.2017.

7.The learned Additional Public Prosecutor would submit that, once the trial is commenced, and if the petitioner and the other accused persons are co-operating, then the trial Court may complete the trial within a period of three months.

8.Therefore, the learned Additional Public Prosecutor would submit that, since the trial has reached the crucial stage where as quickly as possible the trial Court would complete the trial and render judgment, at this juncture, if the petitioner is permitted to go abroad, then certainly, it would scuttle the progress of the trial, and therefore, on that ground, the learned Additional Public Prosecutor objected to allow the present Revision.

9.I have considered the rival claim made by both sides and the arguments advanced by them.

10.As has been pointed out by the learned Additional Public Prosecutor, since charges have already been framed and it is posted for examination of witnesses and once the trial is taken up and go on certainly, it will be over within a period three months, then the judgment can be delivered by the trial Court. When that being the position, it may not be justifiable, at this juncture, to allow the petitioner to go abroad by returning his passport. Moreover, from the point of view of the petitioner also, it may not be justifiable for him to go abroad, at this juncture, instead of co-operating with the prosecution in completing the trial before the trial Court.

11.Considering this aspect, this Court is not inclined to accept the plea of the petitioner to return the passport and therefore, the reason adduced by the learned Judge in rejecting his application to return his passport is fully justifiable and therefore, the same requires no interference from this Court. Hence, the Criminal Revision fails and accordingly, it is dismissed.

12.However, since it is reported that the trial has already

commenced, the learned Trial Judge is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

With these directions, this Criminal Revision Case is dismissed. It is needless to mention that the petitioner shall give full co-operation for completion of the trial within a time stipulated by this Court.

08.08.2017

Index:yes/no
Internet:yes/no
AT

**Note to office:
Issue order copy on 10.08.2017**



WEB COPY

R. SURESH KUMAR, J

AT

To

1. The I Additional City Civil Judge,
Chennai.
2. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.



Crl.R.C.No.769 of 2017

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