

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2017

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14103 of 2017

Raji Eswari

..Petitioner

Vs

1. The Deputy Superintendent of Police,
CBCID,
Coimbatore,
Tamilnadu.
 2. The District Superintendent of Police,
Tirupur District,
Tirupur.
 3. The Inspector of Police,
Dhali Police Station,
Udumalpet,
Tirupur District.
- ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent herein to give consent letter to the 2nd respondent herein for processing the petitioner's exit permit Application I.D.No. 0603171F06XA, dated 07.03.2017 as per law.

For Petitioner : Mr.S.Easan

For Respondent : Mr.D. Vairamoorthy,
Special Government Pleader

O R D E R

Mr.D.Vairamoorthy, learned Special Government Pleader, takes notice on behalf of the respondents and by consent of both the counsel, this Writ Petition is taken up for final disposal.

2. The Petitioner is an Australian citizen and also possesses PIO Card. The petitioner periodically visits India and during one such time, she was kidnapped on 13.03.2016, during that time she had her Visa valid till 11.03.2017. In connection with this kidnap, Crime No.323 of 2015, U/s. 143, 341, 341, 364, 511 & 506 (ii) of IPC came to be registered by the 3rd respondent herein.

3. The petitioner who happens to be a native of Udumalpet, Coimbatore District is a frequent visitor to India. However, in view of she being a victim of a crime, she is now requiring as prime witness in the aforesaid case.

4. When the petitioner applied for Exit Permit on 07.03.2017, her application was not processed, since her presence was required as prime witness in the aforesaid case.

5. In view of her inability to leave the country, the petitioner has filed the present writ petition seeking for mandamus, directing the first respondent herein to give consent letter to the second respondent herein for processing the petitioner's exit permit Application I.D.No. 0603171F06XA, dated 07.03.2017 as per law.

6. In the affidavit filed by the petitioner in support of the writ petition, she has stated that, she is ready to co-operate with the first respondent as and when required for the purpose of the criminal case.

7. The respondent police have also filed the counter affidavit and their apprehension is that, if the petitioner is allowed to go to Australia, her presence as prime witness may be lost. However, the first respondent has filed the counter affidavit, stating that the petitioner may be allowed to go to Australia, on condition that she has to appear before the trial Court whenever required as Court of law.

8. In view of the undertaking given by the petitioner in her affidavit filed in support of the writ petition, the respondent could not have any grievance, if the petitioner is permitted to leave the country, for which purpose her application may be processed for getting visa exit permit.

9. In the above circumstances, there shall be a direction to the first respondent to give consent to the second respondent for processing the petitioner's exit permit application in I.D.No. 0603171F06XA, dated 07.03.2017 as per law.

With these observations and directions, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
CBCID,
Coimbatore,
Tamilnadu.
2. The District Superintendent of Police,
Tirupur District,
Tirupur.
3. The Inspector of Police,
Dhali Police Station,
Udumalpet, Tirupur District.

+1cc to M/S.Va.Vu.Si. Vazhakagam, Advocate Sr.46680
+1cc to the Government Pleader Sr.47692

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