

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.BASKARAN

Crl.A.No.864 of 2016

C.Sethupathy

.. Appellant/Accused

vs.

The State
Represented by
The Inspector Police,
CBI/ACB/Chennai,
(In Crime No.
RC 27 (A)/2010)

.. Respondent/Complainant

Criminal Appeal filed under Section 454 Cr.P.C. to set aside the order passed in Crl.M.P.No.16 of 2016 in Spl.C.C.No.2 of 2011, dated 16.09.2016 on the file of the learned Sessions Judge/Special Judge for CBI cases at Karaikal.

For Appellant : Mr.V.Krishnakumar
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor

O R D E R

The matter is taken up at the stage of admission itself. Mr.K.Srinivasan, learned Special Public Prosecutor takes notice on behalf of the respondent.

2. The appellant has come forward with this Criminal appeal, aggrieved over the order passed in Crl.M.P.No.16 of 2016 in Spl.C.C.No.2 of 2011, dated 16.09.2016 by the learned District Judge/Special Judge for CBI cases at Karaikal.

3. The learned counsel for the appellant submitted that the appellant was charged for the offences under Sections 13(2) r/w 13(1)(e) of the Prevention of Corruption Act 1988 and under Sections 109 I.P.C r/w 13(2) r/w 13(1)(e) of the Prevention of Corruption Act 1988. During the investigation, the appellant was arrested and subsequently, he came out on bail. At the time of granting bail, the appellant was directed to deposit the

passport and he has also deposited the same. After trial, the appellant was acquitted by the trial Court in Special C.C.No.2 of 2011. Thereafter, the appellant filed a petition under Section 452 of the Code of Criminal Procedure before the learned Sessions Judge, Karaikal, to return the passport and the said petition was dismissed on 16.09.2016. As against the said order, the present Criminal Appeal has been filed.

4. The learned Special Public Prosecutor has submitted that admittedly, the case in Spl.C.C.No.2 of 2011, wherein, the appellant herein faced trial, ended in acquittal and against the said order of acquittal, the State has preferred appeal and the same is pending before this Court in Crl.Appeal No.744 of 2015. The learned Special Public Prosecutor thus pleads this court to take into consideration the said fact and pass suitable orders.

5. Even though the learned Special Public Prosecutor appearing for the State has raised preliminary objection, there is no serious valid objection to return the Passport to the appellant herein.

6. Considering facts and circumstances of the case and also considering the submissions made by the learned counsel for the appellant as well as the learned Special Public Prosecutor, this Court is inclined to allow the appeal.

7. In the result, the order passed in Crl.M.P.No.16 of 2016 in Spl.C.C.No.02 of 2011 is set aside and the Criminal Appeal is allowed. The learned Sessions Judge, Karaikal is directed to return the passport to the appellant subject to the following conditions:-

(i) the appellant shall furnish his permanent address in India ;

(ii) the appellant, as and when goes abroad, shall give the visa particulars to the respondent police and also the details of the place and stay of visit and other details relating to the visit, to the trial court.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

To

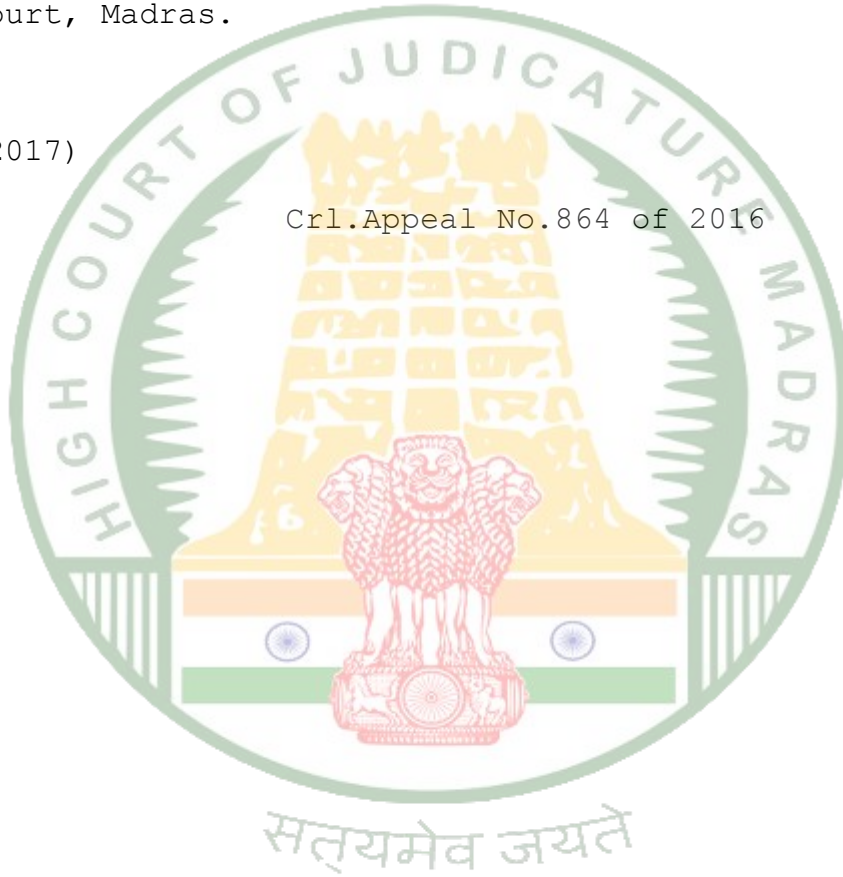
1.The Sessions Judge,
Karaikal.

2 The Inspector of Police
CBI ACB, Chennai

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

scd(CO)
md(24/01/2017)

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