

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HONOURABLE MR.JUSTICE S.BASKARAN

Criminal Revision No.1670 of 2016

Padmanabhan Ramachandaran

..Petitioner

Vs

1.The State
rep. By the Inspector of Police
Vigilance and Anti corruption-CCI
Chennai

2.The Regional Passport Officer
Chennai Royala Towers No.2 & 3
IV Floor
Old No.785, New No.158, Anna Salai
Chennai-600 002

...Respondents

Criminal Revision Petition filed under Section 397 r/w.401 Cr.P.C., against the order passed by Chief Judicial Magistrate, Chengalpattu dated 30.11.2016 in CrI.M.P.No.694 of 2016 in Spl.C.C.No.6 of 2009.

For Petitioner : Mr.M.Vijayakumar

For respondents: Mr.E.Raja, Addl.Public Prosecutor for R1.

ORDER

This Criminal Revision Petition is filed against the order dated 30.11.2016 passed in CrI.M.P.No.694 of 2016 in Spl.C.C.No.6 of 2009 by Chief Judicial Magistrate, Chengalpattu.

2. The petitioner has been charged for the offences under Section 7 and 13(2) r/w.13(2)(1)(d) of the Prevention of Corruption Act, who got retired as Assistant Inspector of Labour, St.Thomas Mount, Chennai, on 31.02.2013 and his Passport Number is A 8852378 and the passport period expired on 15.05.2010. It is represented that the petitioner's son is living in USA and the petitioner wants to go to USA to see his grandson and therefore, seeks permission for renewal of Passport and to go abroad.

3. The petitioner filed Crl.M.P.No.694 of 2016 before the Chief Judicial Magistrate, Chengalpattu, seeking permission to renew the Passport and to visit USA and undertaken to cooperate with the trial on his return after one year of his visit.

4. However, the learned Judge, considering the fact that out of 24 witnesses, only 3 witnesses had been examined in the case in C.C.No.6 of 2009 so far and also considering the fact that the petitioner's return after one year is too long and there will be delay and stalemate in the proceedings before the trial court, rejected the said petition. Aggrieved over the said dismissal order, the present petition is filed.

5. It is submitted by the learned counsel for the petitioner that it is suffice to grant two months period for visiting his son and grandson at USA and he is undertaking to attend all the hearings, until his date of travel and thereafter his return from USA.

6. Learned Additional Public Prosecutor strongly objected the petition and submitted that allowing of this petition would lead to protraction of proceedings before the trial court.

7. Since the petitioner is willing to undertake that he will abide by all the conditions stipulated for travel to USA and is making arrangement to renew the Passport before the concerned official, this court is inclined to allow the Criminal Revision Petition. The order of dismissal passed by Chief Judicial Magistrate, Chengalpattu, dated 30.11.2016 passed in Crl.M.P.No.694 of 2016 in Spl.C.C.No.6 of 2009 stands set aside. The petitioner is permitted to go abroad for a period of 2 months from 01.04.2017. The petitioner is further directed to get along with the matter before the trial court and appear on all hearings as stipulated by the trial court without causing any delay in the trial proceedings.

8. In the result, the order passed in Crl.M.P.No.694 of 2016 in Spl.C.C.No.6 of 2009 is set aside and the Criminal Appeal is allowed. The petitioner is permitted to renew Passport and to go abroad subject to the following conditions:-

(i) Permission is accorded to the petitioner to travel abroad for a period of two months with a direction that he shall return on the expiry of two months.

(ii) The petitioner is directed to submit his tour plan/schedule before the trial Court or respondent 15 days prior to the date of his journey.

(iii) The petitioner is directed to submit all the certified copy of the travel documents viz., Visa, Air Ticket etc., related to his journey before the trial Court or respondents.

(iv) The petitioner is directed to furnish his permanent address in India; his full address of stay at USA, contact telephone numbers, E-mail I.D. etc., before the trial Court or respondent.

(v) The petitioner is directed to give an undertaking by way of an affidavit before the trial Court that he will not extend his stay and return to India within the time limit specified by this Court.

(vi) The petitioner is directed to give an undertaking that he will not get adjournment of the examination of the witnesses in his absence in the trial.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

- 1.the Inspector of Police
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- 4 The Public Prosecutor, High Court, Madras

+lcc to Mr.M. Vijayakumar, Advocate, S.R.No.9613

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