

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.2328 of 2017

IN CRL A.730/2016

A.V.SHANMUGASUNDARAM

[PETITIONER/ACCUSED]

Vs

STATE BY

[RESPONDENT]

DSP/CBI/BS & FC,

BANGALORE,

RC.NO.4E/96/BLR & RC/E/97/BLR.

Petition praying that in the circumstances stated therein the High Court will be pleased to return of the passport bearing Nos. E1734087 (Old) and K0336768 (New) to the petitioner in Crl.A.730/2016.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.C.S.S.PILLAI, Advocate for the petitioner and of Mr.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, for the Respondent the court made the following order:-

This petition has been filed praying to return the passport bearing Nos.E1734087 (Old) and K0336768 (New) to the petitioner in Crl.A.No.730 of 2016.

2. The case of the prosecution is that the petitioner herein is an accused No.2 in C.C.No.29 of 1999 on the file of VIII Additional Sessions Judge / Principal Special Judge for CBI Cases, Chennai. The passport of the petitioner was handed over before the Principal Special Court for CBI Cases. Aggrieved over the findings of the trial Court in the said C.C.No.29 of 1999, the petitioner/accused No.2 has preferred Crl.A.No.730 of 2016 and the same is pending.

3. The learned counsel appearing for the petitioner submitted that the passport of the petitioner has been placed before the Principal Special Court for CBI Cases. He also submitted that the petitioner has obtained his passport from the Principal Special Court for CBI Cases several times and gone abroad and surrendered the same. He also further submitted that the Passport was not marked as Exhibit and no way connected with this case. It seems that the petitioner had filed a petition before the trial Court for return of Passport, but the said petition was returned by the learned Principal Special Judge for CBI Cases with an endorsement that all the case papers has been sent to the Appellate Court in connection with Criminal Appeal No.730

of 2016. The learned counsel appearing for the petitioner brought the attention of this Court to the untold hardship and sufferings meted out by the petitioner in respect of applying for Visa to go to USA to visit his ailing sister.

4. According to the petitioner, his passport is not exhibited and it is an unmarked document. It is further stated that his passport is not a necessary document in C.C.No.29 of 1999 and due to unnecessary seizure of his passport, he is facing untold sufferings and is unable to visit his ailing sister in U.S.A. Hence the petitioner seeks to return his passport, since it is not marked as document before the trial Court.

5. Heard the learned Special Public Prosecutor (C.B.I. Cases) and he has no serious objections as regards the contentions made by the learned counsel appearing for the petitioner.

6. On perusing the petition and hearing the arguments of learned counsel for the petitioner and the learned Special Public Prosecutor (C.B.I.cases), permission is granted to the petitioner to travel abroad.

7. The Registry is directed to return the passport to the petitioner 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 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 respondent.

(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 respondent.

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

Accordingly, this petition is ordered.

-sd/-
17/02/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE,
FOR CBI CASES, CHENNAI.

2 THE PRINCIPAL SPECIAL JUDGE,
FOR CBI CASES/ VIII ADDITIONAL CITY CIVIL
COURT, CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

4 STATE BY
THE DSP/CBI/BS & FC,
BANGALORE,

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+2 C.C. to M/S.C.S.S.PILLAI Advocate on payment of necessary
charges-Sr.3327

Order

in
CRL MP.2328/2017

in
CRL A.730/2016

Date :17/02/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 21.02.2017