

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.22055 of 2016

Noushad

...Petitioner/Accused 2

Vs

State represented by
Deputy Superintendent of Police,
Special Investigation Team,
CBCID, Coimbatore.
(B-4 Cr.No.2111/2011)

...Respondent/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order of the Judicial Magistrate No.III, Coimbatore in C.M.P.No.2945 of 2016 dated 16.08.2016 and direct the learned Judicial Magistrate No.III, Coimbatore to grant permission for the petitioner to travel abroad for his business purpose.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner's claim to permit him to travel abroad, pending disposal of the criminal case, is the subject matter involved in this Criminal Original Petition. The request of the petitioner was rejected and hence he is before this Court.

2.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondent.

3.Heard both sides.

4.According to the Notification issued by the Ministry of External Affairs, Government of India, dated 25.08.1993 in G.S.R.570(E), for a person having criminal case, he has to

submit passport application along with the order of the Court granting permission to depart, during the pendency of the criminal case, and on such presentation, the concerned passport issuing authority can issue a short valid passport by exempting the petitioner from the operation of Clause (f) of sub-section (2) of Section 6 of the Passports Act.

5.It is seen that the petitioner herein was earlier granted permission to go abroad with certain conditions which in turn was complied by the petitioner. Hence, this Court is inclined to consider the claim of the petitioner. Accordingly, the petitioner is directed to make a proper application along with a copy of this order, before the concerned passport authority. On making such application along with a copy of this order, the same shall be considered and necessary orders be passed within a period of two weeks therefrom.

6.The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1. The Deputy Superintendent of Police,
Special Investigation Team,
CBCID, Coimbatore.

2. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

3. The Judicial Magistrate III,
Coimbatore.

+lcc to Mr.Balasubramaniam, Advocate, S.R.No.8643

SR(CO)
RS(20/02/2017)

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