

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1040 of 2017

Shaji Purushothaman

.. Petitioner

Vs.

State by

Assistant Commissioner of Police,
Traffic Investigation East District,
D6, Anna Square Traffic Investigation,
Chennai. (Cr.No.354/T2/2013)

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C., praying to call for the records pertaining to CrI.M.P.No.8964 of 2017 in S.C.No.19 of 2014 dated 24.07.2017 on the file of the learned VII Additional Sessions Judge, City Civil Court, Chennai and set aside the same and direct the respondent herein to return the passport bearing No.Z1762211, renewed No.F8704587 and further renewed New Passport No.Z074756.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.V.Arul,
Additional Public Prosecutor

O R D E R

This petition seeks to set aside the order of learned VII Additional Sessions Judge, City Civil Court, Chennai, passed in Cr.M.P.No.8964 of 2017 in S.C.No.19 of 2014 on 24.07.2017.

2. Petitioner was arrested in connection with the case in S.C.No.19 of 2013 on the file of respondent for offences u/s.279, 337, 338 of IPC and Sections 185, 134(a)(b) r/w 187 of Motor Vehicles Act and Sections 304(2) and 308 IPC r/w Section 114 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act by Air Port Police, Cochin and his passport bearing No.Z1762211, renewed No.F8704587 and further renewed New Passport No.Z074756 was seized by respondent. After his release on bail, petitioner moved CrI.M.P.No.8964 of 2017 on the file of learned VII Additional

Sessions Judge, City Civil Court, Chennai, seeking return of his passport. Court below, under orders dated 24.07.2017, dismissed the petition. Such order is under challenge in this revision.

3. Heard learned Counsel for petitioner and learned Additional Public Prosecutor for respondent.

4. Considering the facts and circumstances of the case and particularly that the passport of petitioner has been seized by the Investigation Officer in the case, an action not permissible as per the decision of the Apex Court in Suresh Nanda v. C.B.I. [(2008) 3 SCC 674], this Court is inclined to return the passport to petitioner.

5. This Criminal Revision Case shall stand allowed. The order of learned VII Additional Sessions Judge, City Civil Court, Chennai, passed in CrI.M.P.No.8964 of 2017 on 24.07.2017, is set aside. Learned VII Additional Sessions Judge, City Civil Court, Chennai, is directed to return the passport of the petitioner bearing No.Z1762211, renewed No.F8704587 and further renewed New Passport No.Z074756 on condition that the petitioner shall file an affidavit undertaking not to leave the country without informing the trial Court and on each such occasion inform the place at which he will be available for contact during his period of stay away from India.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The VII Additional Sessions Judge,
City Civil Court, Chennai.
2. The Assistant Commissioner of Police,
Traffic Investigation East District,
D6, Anna Square Traffic Investigation,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Rajan, Advocate, S.R.No.2310

CrI.R.C.No.1040 of 2017

CS/13/02/18