

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.31 of 2018

1. Premkumar Thangadurai

2. Hanna Vanitha Kumari Joseph

.. Petitioners

Vs.

State by The Inspector of Police,
Central Crime Branch,
Team II, Veperi,
Chennai.

.. Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Tambaram passed in Crl.M.P.No.8201 of 2017 in Crime No.170 of 2017 on the file of respondent on 29.12.2017.

For Petitioners : Mr.R.Shanmugasundaram
Senior Counsel
for M/s.Gita Asokan

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

सत्यमेव जयते

O R D E R

This Criminal Revision Case arises against the order of learned Judicial Magistrate, Tambaram passed in Crl.M.P.No.8201 of 2017 in Crime No.170 of 2017 on the file of respondent on 29.12.2017.

2. Crl.M.P.No.8201 of 2017 has been filed by petitioners seeking permission to leave India and to travel to Oman and that they may be permitted to appear before Court below on receipt of summons in the case. In allowing such petition, Court below has restricted the period of petitioners' stay at Oman upto 01.12.2018. Aggrieved, petitioners, who are husband and wife, have moved the present revision.

3. Heard learned Senior Counsel appearing for petitioners and learned Additional Public Prosecutor for respondent.

4. Learned Senior counsel submitted that the petitioners, being engaged in business, are required to frequently travel abroad and restrictions placed thereon by particularly requiring them to return on particular date, which would visit them with severe difficulty.

5. Considering such submissions, we have required petitioners to swear to affidavits informing their e-mail addresses and that communications of summons to such e-mail address, would be sufficient service on them and that they would not dispute the same. Petitioners had now filed affidavits dated 10.01.2018 before this Court and paragraphs 4 to 6 of both affidavits read alike and this Court records the same.

"4. I state that I undertake to appear before the Learned Judicial Magistrate, Tambaram in event of the charge sheet being filed in Crime No.170 of 2010. I state that my email id is hannahpremkumar@yahoo.com and the communication through the said e-mail is sufficient service and I will not dispute service. I undertake to appear before the trial Court on receipt of notice, intimation or service of summons in the event of the charge sheet being filed in the above Crime No.170 of 2010 by the Respondent Police. I state that I and the second petitioner share the same e-mail id.

5. I state further that the parents of the second petitioner are residing at our property in Chennai at "Castle Hanna" No.12/1A, Durga Colony, Sembakkam, Chennai-600 073, which is our local address given in our passport. I pray that the summons can also be served in the said address in addition to the e-mail communication to me, as we would also be duly informed by the parents of the second petitioner.

6. I state that during our stay at Oman we would be residing at P.O.Box.No.2747, 23rd July Street, Postal Code 211, Sallalah, Sultanate of Oman and our contact number is 00968-99485952 and the residence contact number is 00968-23289835."

6. In the light of the undertakings informed in the affidavits, this Court would modify the order of the Court below to one permitting petitioners to travel abroad and direct that upon filing of the final report, Court below cause service of summons on petitioners also by addressing the same to the e-mail address hannahpremkumar@yahoo.com as also residential address "Castle Hanna" No.12/1A, Durga Colony, Sembakkam, Chennai-600 073.

7. This Criminal Revision Case is ordered accordingly.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Tambaram.

+ 2 cc to Ms.Gita Asokan, Advocate Sr.No. 2216

CrI.R.C.No.31 of 2018

RRI 30/01/2018



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