

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.1064 of 2018

S.Kannan

... Petitioner/Accused No.6

Vs

The State represented by,
Deputy, Superintendent of Police,
SPE, CBI STF New Delhi
(RC/ST/2013/A/0019/CBI/STF/DL)

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under sections 397 and 401 of Cr.P.C., to call for the records in Crl.M.P.No.6033 of 2018 in C.C.No.12 of 2017 on the file of the Honourable XIV Additional City Civil Judge for CBI Cases, Chennai and set aside the said order in part in not granting the passport to the petitioner for renewal purpose and permit the petitioner to take return of his passport for renewal purpose, which expires on 09.11.2018.

For Petitioner : Mr.A.R.L.Sundaresan,
Senior Counsel for
Mr.A.Selvendran

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor(CBI Cases)

O R D E R

The revision has been filed against the order passed by the learned XIV Additional City Civil Judge, for (CBI Cases), Chennai, in Crl.MP.No.6033 of 2018 in C.C.No.12 of 2017 dated 10.09.2018 whereby the trial court had partly allowed the petition for travel abroad and rejected the prayer of returning the passport for renewal purpose.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner is the accused No.6 in

C.C.No.12 of 2017 on the file of the Hon'ble XIV Additional Special Judge (CBI Cases), Chennai. He would submit that the petitioner was arrested on 21.01.2015 and he has been subsequently released on bail on 02.03.2015 as per the order of this Court in Crl.O.P.No.4371 of 2015 and at the time of granting bail, this Court had directed the petitioner to furnish two sureties for a sum of Rs.50,000/- each and also to surrender his passport. Thereafter, the petitioner had moved this Court in Crl.M.P.No.2 of 2015 in Crl.O.P.No.437 of 2015 to relax the condition and permit him to take back his passport due to the reason that he being the Chief Technical Officer of a Satellite Television Network, had to travel to various countries frequently for official purposes. The learned Senior Counsel, would submit that on various occasions, the petitioner had filed the petitions for return of passport and to travel abroad, the trial Court has also granted permission to him on several occasions. Thereafter, he had filed the present petition in Crl.M.P.No.6033 of 2018 seeking a prayer to return the petitioner's passport for a limited period and also sought for permission to leave India and to travel to Dubai during the period between 12.09.2018 and 16.09.2018.

3. The learned Senior Counsel would submit that the validity of the petitioner's passport is due to expire on 09.11.2018 and would submit that the return of passport was sought for on two grounds, viz one for travelling abroad and another for renewal of the passport. He would submit that the learned Judge without considering the prayer of the petitioner in the right perspective had passed the order permitting the petitioner to go abroad, whereas had directed the petitioner to return the passport on arrival and thereby the petitioner is put to the predicament of not having sufficient time to renew the passport which is due to expire on 09.11.2018. He would submit that this revision has been filed for seeking permission to return the passport for the purpose of renewal. The learned Senior Counsel would also submit that due to the short span of time for renewal of the passport, the petitioner had not travelled abroad as per the permission granted and thereby he is restricting his prayer only for returning the passport for the purpose of submitting it to the passport for renewal.

4. The learned Senior Counsel would submit that this court in Crl.O.P.No.13316 of 2018, dated 24.08.2018 relying on the notification issued by the Ministry of External Affairs, dated 25.08.1993 in G.S.R.No.570 E had directed the passport authority to consider the passport application of the petitioner in that case. He would submit that though dual prayer for permission to travel abroad and return of passport for renewal purpose had been sought for before the trial court, now the petitioner is restricting his prayer for return of passport for the purpose of renewal alone and would seek for direction for return of passport.

5. The learned special Public Prosecutor would submit that no specific prayer has been made by the respondent in this aspect before the trial Court. He would submit that in view of the notification passed by the Government of India in GSR No.570 E, dated 20.05.1993, the petitioner has to approach the trial Court for any prayer, seeking for renewal or issuance of passport and that the trial Court has to consider depending upon the stage of the case.

6. It is seen that though the petitioner had sought for permission to travel abroad, in view of the short time of validity of the passport the petitioner has not travelled abroad. Admittedly, the passport is valid till 09.11.2018. Though the prayer of the petitioner for renewal of passport seems reasonable, since no specific prayer has been made for return of passport before the trial court, the petitioner in view of the notification dated 20.05.1993 in GSR No.570 E, has to approach the trial court only by filing a fresh application, seeking return of passport for renewal purpose.

7. Taking into consideration the submissions made by the counsels and that the prayer has also been restricted and the return of passport has been sought only for the purpose of renewing its validity. This court is inclined to issue the following direction. Accordingly, the petitioner shall file a suitable petition seeking return of passport and the trial Judge shall consider the application and pass suitable order within a period of two weeks from the date of filing of such petition and the trial judge shall impose relevant conditions.

8. With the above direction, the revision stands closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The XIV Additional City Civil Judge for CBI Cases, Chennai.
 2. The Special Public Prosecutor for CBI Cases,
High Court of Madras.
 3. The Deputy Superintendent of Police,
SPE, CBI STF New Delhi.
- +lcc to Mr.A.Selvendran, Advocate, S.R.No.66742
GSP(28/09/2018)

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