

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.06.2018
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.10622 of 2018

V.Dhanalakshmi

... Petitioner

Vs

1.The State rep. by
Station House Officer,
Grand Bazar Police Station,
Pondicherry.

2.Dilbet Saravana Coumar ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to impound the passport of the 2nd respondent and consequently to issue a look out circular to the airport authorities for restraining the 2nd respondent from in anyway fleeing out of India.

For Petitioner : Mr.S.Q.Yusuf
for M/s.Nathan and Associates
For 1st Respondent: Mr.Bharath Chakravarthy,
PP [Pondy]

O R D E R

This petition has been filed to direct the 1st respondent to impound the passport of the 2nd respondent and consequently to issue a Look Out Circular to the airport authorities for restraining the 2nd respondent from fleeing out of India.

2.For the sake of convenience, the parties will be referred to by their name. Dhanalakshmi was wedded to Dilbet and their marriage life ran into rough weather, resulting in the spouses getting estranged. On the complaint lodged by Dhanalakshmi, a case in Crime No.95 of 2015 was registered against Dilbet for the offences under Section 323, 324 and 506 (ii) of IPC and after completing the investigation, the Police filed a charge sheet in C.C.No.13 of 2016 before the Chief Judicial Magistrate, Pondicherry, in which, Dilbet was acquitted by the trial Court. During the pendency of the trial, Dilbet's passport was impounded. After his acquittal, Dhanalakshmi filed Crl.A.No.27 of 2017 under the proviso to Section 372 of Cr.P.C. before the Principal Judge, Pondicherry, challenging the acquittal and the same is pending. Dilbet filed an Interlocutory Application in Crl.M.P.No.260 of 2018 in Crl.A.No.27 of 2017 before the Principal Judge, Pondicherry and has obtained his passport. Under such circumstances, Dhanalakshmi is before this Court

with the above prayer.

3.Heard Mr.S.Q.Yusuf, learned counsel for Dhanalakshmi contended that the passport of Dilbet should have to be impounded or at least, a Look Out Circular should be issued to prevent him from fleeing India.

4.In the opinion of this Court, a direction of this nature cannot be issued under Section 482 of Cr.P.C., since this provision is intended to secure the ends of justice in a proceedings before an infra criminal court under the Code. Passport is issued under the provision of the Passports Act, 1967 and not under the Code. That apart, Dilbet has been acquitted by the trial Court and even thereafter, it will not serve the interest of justice, if his movements are kept under restraint, as that would affect his rights guaranteed by Article 21 of the Constitution of India. In the event of the appeal being allowed and the acquittal set aside, it is always open to the appellate Court to secure the presence of Dilbet in the manner known to law.

With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Station House Officer,
Grand Bazar Police Station,
Pondicherry.

2.The Public Prosecutor, (Pondy)
High Court, Madras.

+1cc to M/s.Nathan & Associates, Sr.No.35623
+1cc to Government Pleader sR.No.35491

NRI (CO)
sm:18.6.2018

CrI.O.P.No.10622 of 2018