

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.24216 of 2018

John Prabakar

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Chennai - 600 002.
2. The State rep by
The Additional Superintendent of Police
CBI/EOW, Chennai. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to permit the petitioner to renew his passport bearing No.Z1745069 by the first respondent.

For Petitioner : Mr.R.Vivekananthan

For R1 : Mr.N.Ramesh,
SCGSC

For R2 : Mr.K.Srinivasan
Spl.Public prosecutor

O R D E R

This petition has been filed by the petitioner to permit the petitioner to renew his passport bearing No.Z1745069 by the first respondent.

2. The learned counsel for the petitioner has submitted that the petitioner is the President of Indo Poland Chamber of Commerce and Industry(IPCC) in Tamilnadu. He further submitted that IPCC is to facilitate bilateral trade, investments, joint ventures, technology transfer and information exchange on trade and investment between India and Poland through a collective and organized effort. Since the petitioner is the President of IPCC, used to travel of most of the European countries and further his wife and daughter's are living in Poland. He further submitted

that he has to go to Poland to admit her minor daughter in college and he further submitted that his passport expired on 23.07.2018 and hence, the petitioner has submitted the required forms and documents in advance on 10.04.2018 itself before the first respondent. But, the first respondent has not considered the petitioner's requests till may 2018 and hence, the petitioner has filed W.P.No.12875 of 2018 to direct the first respondent to renew his passport and the said writ petition was allowed on 24.05.2018 to direct the first respondent to consider the petitioner's representation and pass orders within ten days thereafter. He further submitted that eventhereafter, the first respondent has not renewed the petitioner's passport, but sent a letter dated 26.06.2018 seeking clarification with regard to the pendency of the cases against the petitioner. He further submitted that on 29.06.2018, the petitioner has submitted a detailed reply along with the annexure to the first respondent. The first respondent by the letter dated 07.08.2018 informed the petitioner that a revision petition is pending before this Court and hence the petitioner has to get permission from this Court as per GSR No.570 (E). He further submitted that a case was registered by the Deputy Superintendent of Police, CB CID, Vellore, against the petitioner herein in Crime No.3068 of 2009 and the said case was transfered to CBI, Chennai as per the order passed by this Court in Crl.OP.Nos.2691 and 5356 of 2011 dated 19.04.2011 and thereafter, the CBI Chennai has filed a charge sheet and based on the same, a case was taken on file in C.C.No.2 of 2013 on the file of the learned II Additional District Judge/Special Judge, (CBI Cases) Coimbatore. He further submitted that the Hon'ble Supreme Court has set aside the order passed by this Court dated 19.04.2011 and remitted the matter to this Court for fresh disposal and hence, the Crl.OP.Nos.2691 of 2011 and 5356 of 2011 are restored and they are pending before this Court. He further submitted that since the aforesaid cases are pending before this Court, the first respondent directed the petitioner to get permission from this Court as per GSR.No.570 (E). Therefore he requests to grant necessary permission for renewing the petitioner's passport.

3. The learned senior standing counsel appearing for the first respondent has submitted that the first respondent will abide by the order of this Court.

4. The learned Special Public Prosecutor appearing for the second respondent has submitted that since the aforesaid Crl.OPs are pending before this Court, in view of GSR No.570 (E), permission is required from this Court to travel Poland. If permission is granted to the petitioner to go to Poland, then only the first respondent can renew the petitioner's passport. However, he has not raised any serious objection for granting permission.

5. Considering the submissions of the learned counsel for the petitioner that the petitioner is the President of Indo Poland Chamber of Commerce and Industry (IPCC) in Tamilnadu and also the fact that the learned Special Public Prosecutor for the second respondent, this court is inclined to grant permission to the petitioner to travel abroad for a period of two years.

6. In the result, this petition is allowed with the following conditions:

(i) The petitioner shall strictly abide by the undertaking given by him before this Court .

(ii) The petitioner shall furnish the details of travel and place of stay at Poland.

(iii) The petitioner shall surrender the original passport before the trial Court immediately on return from Poland.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msrm/kyl

To

1. The Regional Passport Officer,
Regional Passport Office,
Chennai - 600 002.
2. The Additional Superintendent of Police
CBI/EOW, Chennai.
3. The Special Public Prosecutor for CBI,
High Court of Madras.

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.75411

Crl.O.P.No.24216 of 2018

cs/02/11/2018