

Crl.MP.No.17543 of 2018
in
Crl.O.P.No.21224 of 2018

N. ANAND VENKATESH.,J.

This petition has been filed seeking for the interim custody of the passport belonging to the petitioner to enable him to travel to foreign country.

2.The petitioner is the holder of Indian Passport No.Z2317880 and he is facing prosecution in C.C.No.5311 of 2011 for the offences under Sections 417,420 and 506(ii) IPC. It is the case of the prosecution that the petitioner had promised to marry the de-facto complainant and had obtained Rs.2,00,000/- from the de-facto complainant, but refused to return the same nor marry her. The petitioner has filed Crl.O.P.No.27715 of 2012, challenging the prosecution in C.C.No.5311 of 2011 and this Court has granted stay of all further proceedings before the trial Court. While so, the petitioner is before this Court with the above prayer.

3.Heard the learned counsel for the petitioner and perused the materials placed on record.

4.It is seen that earlier, the petitioner filed Crl.O.P.No.870 of 2012 for an interim direction to go abroad and this Court, by order dated 25.02.2013, had permitted the petitioner to go abroad on deposit of Rs.2,00,000/- before the trial Court. Accordingly, the petitioner had deposited Rs.2,00,000/- and after collecting the Passport from the trial Court, he went to Denmark and returned within the time granted by this Court.

5.The petitioner approached this Court and filed Crl.O.P.No.21224 of 2018 seeking for a similar prayer and this Court by an order dated 31.08.2018 permitted the petitioner to take interim custody of the passport and the petitioner has also gone to U.S., and returned back as under taken by him and thereafter, surrendered the passport before the IX Metropolitan Magistrate, Saidapet, Chennai.

6.This Criminal Miscellaneous Petition has been filed by the petitioner on the ground that he has an official meeting at U.S.A. and therefore, he is seeking for interim custody of the passport to go to U.S. and return by 31.01.2019.

7. Taking into consideration, the earlier order passed by this Court and also the fact that the petitioner was permitted to go abroad on earlier occasions and the petitioner had also complied with the conditions imposed by this Court, this Court is of the view that interest of justice will be served, if the petitioner is permitted to go abroad this time also.

8. Hence, the IX Metropolitan Magistrate, Saidapet, Chennai is directed to give the passport to the petitioner so as to enable him to travel to the U.S., on the petitioner filing an undertaking affidavit before the IX Metropolitan Magistrate that he will return before 31.01.2019 and surrender the Passport. In his undertaking affidavit, the petitioner should also give the details about his e-mail id, mobile number, place of stay in the U.S.

9. With the above direction, this petition is ordered accordingly. The Court below is directed to dispose of C.C.No.5311 of 2011 within a period of 3 months from 01.02.2019 and file a compliance report before this Court after the completion of the proceedings.

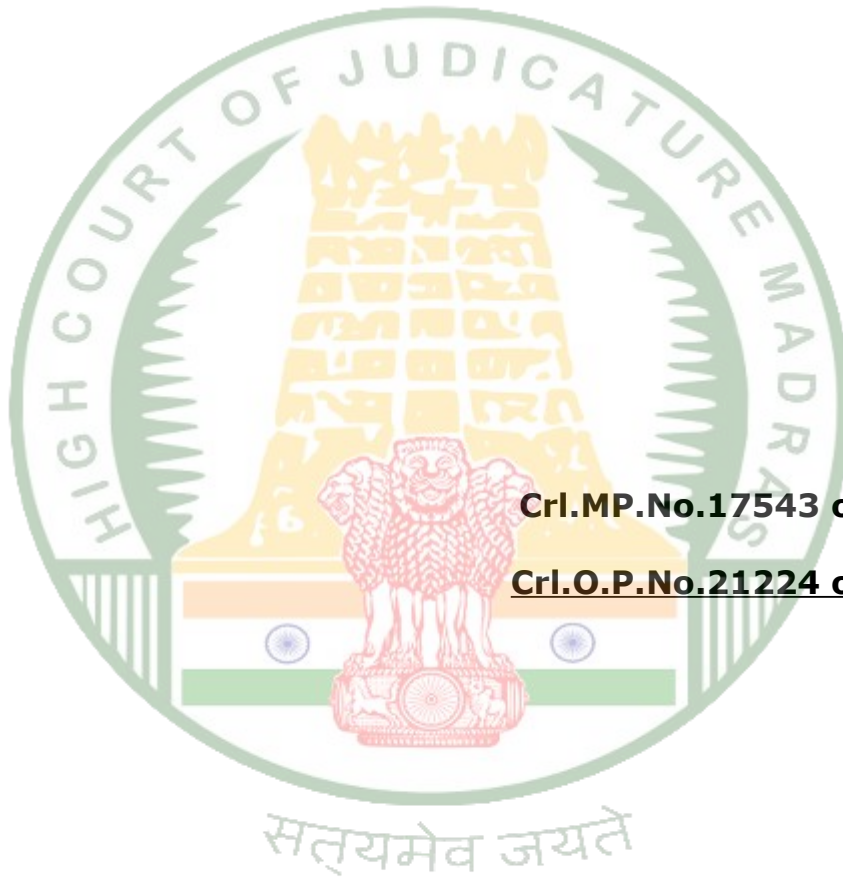
20.12.2018

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Note: Issue order copy on 21.12.2018.

N. ANAND VENKATESH , J.

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